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Bill 1

An Act to amend the Succession Law Reform Act

The Hon. I. Scott
Attorney General



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

Bill 1

EXPLANATORY NOTE

The Bill makes technical changes to the *Succession Law Reform Act*, to ensure that its language relating to family property and support is consistent with the language of the *Family Law Act*, 1986.

An Act to amend the
Succession Law Reform Act

The Hon. J. Stelmach
Minister of Justice

IN WITNESS WHEREOF
I have hereunto set my hand and
the seal of the Parliament of Canada
this 22nd day of April, 1986

Printed under authority of the Lieutenant Governor in Council
Queen's Printer for Ontario

Bill 1

1986

**An Act to amend the
Succession Law Reform Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 1 (1) (a) and (c) of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(a) “child” includes a child conceived before and born alive after the parent’s death;

.

(c) “issue” includes a descendant conceived before and born alive after the person’s death.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:

(fa) “spouse” means either of a man and woman who,

(i) are married to each other, or

(ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

(1a) In the definition of “spouse”, a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Polygamous
marriages

2. Clauses 57 (a), (b), (d), (f) and (g) of the said Act are repealed and the following substituted therefor:

(a) "child" means a child as defined in clause 1 (1) (a) and includes a grandchild and a person whom the deceased has demonstrated a settled intention to treat as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home by a person having lawful custody;

(b) "cohabit" means to live together in a conjugal relationship, whether within or outside marriage;

(d) "dependant" means,

(i) the spouse of the deceased,

(ii) a parent of the deceased,

(iii) a child of the deceased, or

(iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his or her death;

(f) "parent" includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his or her family, except under an arrangement where the deceased was placed for valuable consideration in a foster home by a person having lawful custody;

(g) "spouse" means a spouse as defined in subsection 1 (1) and in addition includes either of a man and woman who,

(i) were married to each other by a marriage that was terminated or declared a nullity, or

(ii) are not married to each other and have cohabited,

- (A) continuously for a period of not less than three years, or
- (B) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

3. Subsection 58 (2) of the said Act is repealed and the following substituted therefor:

(2) An application for an order for the support of a Applicants
dependant may be made by the dependant or the dependant's parent.

(2a) An application for an order for the support of a Idem
dependant may also be made by one of the following agencies:

- (a) the Ministry of Community and Social Services in the name of the Minister;
- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;
- (c) a district welfare administration board under the *District Welfare Administration Boards Act*; or R.S.O. 1980,
c. 122
- (d) a band approved under section 15 of the *General Welfare Assistance Act*, R.S.O. 1980,
c. 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant. R.S.O. 1980,
cc. 151, 188

4. Section 62 of the said Act is repealed and the following substituted therefor:

62.—(1) In determining the amount and duration, if any, of support, the court shall consider all the circumstances of the application, including, Determi-
nation
of amount

- (a) the dependant's current assets and means;
- (b) the assets and means that the dependant is likely to have in the future;

- (c) the dependant's capacity to contribute to his or her own support;
- (d) the dependant's age and physical and mental health;
- (e) the dependant's needs, in determining which the court shall have regard to the dependant's accustomed standard of living;
- (f) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (g) the proximity and duration of the dependant's relationship with the deceased;
- (h) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions;
- (i) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property or business;
- (j) a contribution by the dependant to the realization of the deceased's career potential;
- (k) whether the dependant has a legal obligation to provide support for another person;
- (l) the circumstances of the deceased at the time of death;
- (m) any agreement between the deceased and the dependant;
- (n) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order;
- (o) the claims that any other person may have as a dependant;
- (p) if the dependant is a child,
 - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
 - (ii) the child's need for a stable environment;

- (q) if the dependant is a child of the age of sixteen years or more, whether the child has withdrawn from parental control;
- (r) if the dependant is a spouse,
 - (i) a course of conduct by the spouse during the deceased's lifetime that is so unconscionable as to constitute an obvious and gross repudiation of the relationship,
 - (ii) the length of time the spouses cohabited,
 - (iii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
 - (iv) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
 - (v) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
 - (vi) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse had devoted the time spent in performing that service in remunerative employment and had contributed the earnings to the family's support,
 - (vii) the effect on the spouse's earnings and career development of the responsibility of caring for a child,
 - (viii) the desirability of the spouse remaining at home to care for a child; and
- (s) any other legal right of the dependant to support, other than out of public money.

(2) In addition to the evidence presented by the parties, the court may direct other evidence to be given as the court considers necessary or proper. Evidence

Idem

(3) The court may accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable, for making the dispositions in his or her will, or for not making adequate provision for a dependant, as the case may be, including any statement in writing signed by the deceased.

Idem

(4) In estimating the weight to be given to a statement referred to in subsection (3), the court shall have regard to all the circumstances from which an inference can reasonably be drawn as to the accuracy of the statement.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Succession Law Reform Amendment Act, 1986*.

Bill 1

(Chapter 53
Statutes of Ontario, 1986)

An Act to amend the Succession Law Reform Act

The Hon. I. Scott
Attorney General



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 19th, 1986
<i>3rd Reading</i>	November 27th, 1986
<i>Royal Assent</i>	November 27th, 1986

Bill 1

1986

**An Act to amend the
Succession Law Reform Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 1 (1) (a) and (c) of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (a) “child” includes a child conceived before and born alive after the parent’s death;

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- (c) “issue” includes a descendant conceived before and born alive after the person’s death.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:

- (fa) “spouse” means either of a man and woman who,

(i) are married to each other, or

(ii) have together entered into a marriage that is voidable or void, in good faith on the part of the person asserting a right under this Act.

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

(1a) In the definition of “spouse”, a reference to marriage includes a marriage that is actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognizes it as valid.

Polygamous
marriages

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(b) “cohabit” means to live together in a conjugal relationship, whether within or outside marriage;

.

(d) “dependant” means,

(i) the spouse of the deceased,

(ii) a parent of the deceased,

(iii) a child of the deceased, or

(iv) a brother or sister of the deceased,

to whom the deceased was providing support or was under a legal obligation to provide support immediately before his or her death;

.

(f) “parent” includes a grandparent and a person who has demonstrated a settled intention to treat the deceased as a child of his or her family, except under an arrangement where the deceased was placed for valuable consideration in a foster home by a person having lawful custody;

(g) “spouse” means a spouse as defined in subsection 1 (1) and in addition includes either of a man and woman who,

(i) were married to each other by a marriage that was terminated or declared a nullity, or

(ii) are not married to each other and have cohabited,

- (A) continuously for a period of not less than three years, or
- (B) in a relationship of some permanence, if they are the natural or adoptive parents of a child.

3. Subsection 58 (2) of the said Act is repealed and the following substituted therefor:

(2) An application for an order for the support of a Applicants
dependant may be made by the dependant or the dependant's parent.

(2a) An application for an order for the support of a Idem
dependant may also be made by one of the following agencies:

- (a) the Ministry of Community and Social Services in the name of the Minister;
- (b) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality;
- (c) a district welfare administration board under the *District Welfare Administration Boards Act*; or R.S.O. 1980, c. 122
- (d) a band approved under section 15 of the *General Welfare Assistance Act*, R.S.O. 1980, c. 188

if the agency is providing or has provided a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the dependant's support, or if an application for such a benefit or assistance has been made to the agency by or on behalf of the dependant. R.S.O. 1980, cc. 151, 188

4. Section 62 of the said Act is repealed and the following substituted therefor:

62.—(1) In determining the amount and duration, if any, of support, the court shall consider all the circumstances of the application, including, Determination of amount

- (a) the dependant's current assets and means;
- (b) the assets and means that the dependant is likely to have in the future;

- (c) the dependant's capacity to contribute to his or her own support;
- (d) the dependant's age and physical and mental health;
- (e) the dependant's needs, in determining which the court shall have regard to the dependant's accustomed standard of living;
- (f) the measures available for the dependant to become able to provide for his or her own support and the length of time and cost involved to enable the dependant to take those measures;
- (g) the proximity and duration of the dependant's relationship with the deceased;
- (h) the contributions made by the dependant to the deceased's welfare, including indirect and non-financial contributions;
- (i) the contributions made by the dependant to the acquisition, maintenance and improvement of the deceased's property or business;
- (j) a contribution by the dependant to the realization of the deceased's career potential;
- (k) whether the dependant has a legal obligation to provide support for another person;
- (l) the circumstances of the deceased at the time of death;
- (m) any agreement between the deceased and the dependant;
- (n) any previous distribution or division of property made by the deceased in favour of the dependant by gift or agreement or under court order;
- (o) the claims that any other person may have as a dependant;
- (p) if the dependant is a child,
 - (i) the child's aptitude for and reasonable prospects of obtaining an education, and
 - (ii) the child's need for a stable environment;

- (q) if the dependant is a child of the age of sixteen years or more, whether the child has withdrawn from parental control;
- (r) if the dependant is a spouse,
 - (i) a course of conduct by the spouse during the deceased's lifetime that is so unconscionable as to constitute an obvious and gross repudiation of the relationship,
 - (ii) the length of time the spouses cohabited,
 - (iii) the effect on the spouse's earning capacity of the responsibilities assumed during cohabitation,
 - (iv) whether the spouse has undertaken the care of a child who is of the age of eighteen years or over and unable by reason of illness, disability or other cause to withdraw from the charge of his or her parents,
 - (v) whether the spouse has undertaken to assist in the continuation of a program of education for a child eighteen years of age or over who is unable for that reason to withdraw from the charge of his or her parents,
 - (vi) any housekeeping, child care or other domestic service performed by the spouse for the family, as if the spouse had devoted the time spent in performing that service in remunerative employment and had contributed the earnings to the family's support,
 - (vii) the effect on the spouse's earnings and career development of the responsibility of caring for a child,
 - (viii) the desirability of the spouse remaining at home to care for a child; and
- (s) any other legal right of the dependant to support, other than out of public money.

(2) In addition to the evidence presented by the parties, the court may direct other evidence to be given as the court considers necessary or proper. Evidence

Idem

(3) The court may accept such evidence as it considers proper of the deceased's reasons, so far as ascertainable, for making the dispositions in his or her will, or for not making adequate provision for a dependant, as the case may be, including any statement in writing signed by the deceased.

Idem

(4) In estimating the weight to be given to a statement referred to in subsection (3), the court shall have regard to all the circumstances from which an inference can reasonably be drawn as to the accuracy of the statement.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Succession Law Reform Amendment Act, 1986*.

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Bill 2

An Act respecting the Labour Disputes between All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union

The Hon. W. Wrye
Minister of Labour



1st Reading April 24th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to end the labour disputes involving All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union. The Bill provides for the immediate return to work by the employees and the immediate start-up of operations by the employer. Under the Bill, the dispute is to be settled by compulsory arbitration.

Bill 2

1986

**An Act respecting the
Labour Disputes between All-Way Transportation
Corporation (Wheel-Trans Division)
and Local 113, Amalgamated Transit Union**

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1980,
c. 228

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“employees” means the employees mentioned in subsection 2 (1);

“employer” means All-Way Transportation Corporation (Wheel-Trans Division);

“expiry date” means the 31st day of December, 1985;

“Minister” means the Minister of Labour;

“parties” means the employer and the union;

“union” means Local 113, Amalgamated Transit Union.

Idem
R.S.O. 1980,
c. 228

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

Application
of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

Application
of
R.S.O. 1980,
c. 228

(2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

3.—(1) Upon the coming into force of this Act,

Strike
terminated

(a) the strike shall be terminated immediately by the union and the employees;

Return
to work

(b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

Resumption
of operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike
or lock-out

(d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

Terms of
employment
not to be
altered

(e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

Idem

(f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

Compliance
with
subs. (1)

(2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date

were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply with necessary modifications thereto. R.S.O. 1980, c. 228

4.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5. Appointment of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew. Replacement of arbitrator

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions. Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*. Powers of arbitrator

5.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties. Duty of arbitrator

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect. Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to, Agreement upon some matters

(a) the matters not agreed upon between the employer and the union; and

(b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately Term of agreements

following the expiry date and expiring with the second anniversary of the expiry date.

Decision of arbitrator

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision binding

6.—(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

Execution of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation of agreement by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

Failure to execute agreement

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980, cc. 25, 484 not to apply

7. The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Act.

Hourly rates of wages, immediate increase

8. The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry date to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

Application of R.S.O. 1980, c. 228

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees with necessary modifications.

10.—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(a) if an individual, to a fine of not more than \$1,000;
or

(b) if the employer or union, to a fine of not more than \$10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence. Continued offences

11.—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Act. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

12. The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

13. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation. Commence-
ment

14. The short title of this Act is the *Wheel-Trans Labour Dispute Settlement Act, 1986*. Short title

CA20N
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Bill 2

*(Chapter 16
Statutes of Ontario, 1986)*

An Act respecting the Labour Disputes between All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union

The Hon. W. Wrye
Minister of Labour



<i>1st Reading</i>	April 24th, 1986
<i>2nd Reading</i>	April 25th, 1986
<i>3rd Reading</i>	April 25th, 1986
<i>Royal Assent</i>	April 25th, 1986

Bill 2

1986

**An Act respecting the
Labour Disputes between All-Way Transportation
Corporation (Wheel-Trans Division)
and Local 113, Amalgamated Transit Union**

Whereas All-Way Transportation Corporation (Wheel-Trans Division) and Local 113, Amalgamated Transit Union, have been parties to two collective agreements, both of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas the strike by the union against the employer has caused a cessation of transportation services for the handicapped, rendering travel for the handicapped difficult and causing hardship; and whereas the public interest and welfare require that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1980,
c. 228

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“employees” means the employees mentioned in subsection 2 (1);

“employer” means All-Way Transportation Corporation (Wheel-Trans Division);

“expiry date” means the 31st day of December, 1985;

“Minister” means the Minister of Labour;

“parties” means the employer and the union;

“union” means Local 113, Amalgamated Transit Union.

Idem

R.S.O. 1980,
c. 228

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in the *Labour Relations Act*.

Application
of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the union is entitled to bargain with the employer under the *Labour Relations Act*.

Application
of
R.S.O. 1980,
c. 228

(2) Except as modified by this Act, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

3.—(1) Upon the coming into force of this Act,

Strike
terminated

(a) the strike shall be terminated immediately by the union and the employees;

Return
to work

(b) every employee shall report for work and shall perform his or her duties in accordance with his or her work assignment;

Resumption
of operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike
or lock-out

(d) no person, employee or officer, official or agent of the employer or the union shall engage in, declare, authorize or acquiesce in any lock-out, strike or picketing or in any activity contrary to any provision of this Act;

Terms of
employment
not to be
altered

(e) the employer shall not, except with the consent of the union, alter the rates of wages of the employees as increased by this Act or any other term or condition of employment, or any right, privilege or duty of the union or the employees, that were in operation on the expiry date; and

Idem

(f) the union shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the union or the employees, that were in operation on the expiry date.

Compliance
with
subs. (1)

(2) Any difference between the parties as to whether or not clauses (1) (e) and (f) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements that were in force on the expiry date

were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply with necessary modifications thereto.

R.S.O. 1980,
c. 228

4.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 5.

Appointment
of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 5 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew.

Replacement
of arbitrator

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the union to present their evidence and make their submissions.

Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*.

Powers of
arbitrator

5.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the union immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

Duty of
arbitrator

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the union are in effect.

Arbitrator
to remain
seized of
matters in
dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the union agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement
upon some
matters

- (a) the matters not agreed upon between the employer and the union; and
- (b) any further matters that the employer and the union agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The collective agreements between the parties shall be for periods in each case commencing on the day immediately

Term of
agreements

following the expiry date and expiring with the second anniversary of the expiry date.

Decision of arbitrator

(5) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision binding

6.—(1) The arbitrator's decision shall be binding upon the employer and the union and the employees.

Execution of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation of agreement by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the document to the parties for execution.

Failure to execute agreement

(4) If the parties, or either of them, fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980, cc. 25, 484 not to apply

7. The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Act.

Hourly rates of wages, immediate increase

8. The basic hourly rates of wages for the employees are hereby increased by 50 cents per hour over the basic hourly wage rates in effect on the expiry date, effective in each case from and including the expiry date to and including the first anniversary of the expiry date and the decision of the arbitrator shall include such increase but nothing in this section prevents the arbitrator from granting increases in the basic wage rates in excess of those established by this section.

Application of R.S.O. 1980, c. 228

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees with necessary modifications.

10.—(1) A person or union who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(a) if an individual, to a fine of not more than \$1,000;
or

(b) if the employer or union, to a fine of not more than \$10,000.

(2) Each day that a person or the union contravenes any provision of this Act constitutes a separate offence. Continued offences

11.—(1) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Act. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Act, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

12. The employer and the union shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

13. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the later of the two collective agreements made under this Act comes into operation. Commence-
ment

14. The short title of this Act is the *Wheel-Trans Labour Dispute Settlement Act, 1986*. Short title

CA20N
KB
B 56

Bill 3

An Act for the Provision and Integration of Community Based Services for Seniors

Mr. Warner



1st Reading April 30th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill creates a framework for the provision of community based support services for seniors and the integration of these services with established programs and facilities. It is intended that the support services will give seniors greater independence and will prevent their unnecessary institutionalization by giving them access to programs that will assist them in carrying out day-to-day tasks.

The Bill allows the responsible Minister to establish community health and social service centres in each municipality, whose functions include the provision of support services for seniors. Where possible, the centres would be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with centres approved under the *Elderly Persons Centres Act*. The Bill also permits the Minister to provide support services through agreements with non-profit organizations or municipalities.

The support services contemplated by the Bill are listed in subsection 7 (2). In addition to the services provided directly to seniors, the Bill provides for assistance to individuals who have assumed responsibility for the care of seniors, through counselling and arranging for respite care.

Bill 3

1986

An Act for the Provision and Integration of Community Based Services for Seniors

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purposes of this Act are,

Purposes

- (a) to promote the independence, dignity and well-being of seniors;
- (b) to prevent unnecessary institutionalization of seniors;
- (c) to provide a continuum of support services for seniors in accordance with their changing needs and their individual circumstances;
- (d) to ensure that support services are provided to seniors in a manner that allows them to be an integral part of the community in which they live; and
- (e) to assist family members and other individuals who have assumed responsibility for the care of seniors.

2. In this Act,

Definitions

“community health and social service centre” means a community health and social service centre established under section 4;

“community program” means a program or service for seniors that is not provided as a support service under this Act and includes a program or service provided by a non-profit organization;

“health services” includes the services of a chiropodist registered under the *Chiropody Act*;

R.S.O. 1980,
c. 72

"Minister" means the minister of the Crown who is designated under section 3;

"prescribed" means prescribed by the regulations made under this Act;

"senior" means a person sixty years of age or older;

"support service" means a support service mentioned in subsection 7 (2).

Responsible
minister

3. The Lieutenant Governor in Council may by order designate a minister of the Crown as the minister responsible for the administration of this Act.

Community
health and
social service
centre

4.—(1) The Minister may establish community health and social service centres in particular municipalities.

Integration of
facilities

R.S.O. 1980,
cc. 280, 131

(2) Where possible, a centre established under subsection (1) shall be integrated with community health facilities established by the regulations under the *Ministry of Health Act* or with approved centres under the *Elderly Persons Centres Act*.

Functions of
community
health and
social service
centre

(3) The functions of a community health and social service centre are,

- (a) to provide support services;
- (b) to co-ordinate the community programs available in the municipality in order to eliminate gaps and duplication in the provision of community programs and support services;
- (c) to assist seniors in gaining access to community programs and support services;
- (d) to serve as a base from which home help programs are carried out;
- (e) to provide office space and administrative support to non-profit organizations that provide community programs;
- (f) to advocate the interests of seniors as a group within the community;
- (g) to develop programs to facilitate the de-institutionalization of seniors; and

- (h) to carry out such programs as may be prescribed by or under this or any other Act.

5. Where the Minister provides support services in a municipality, the support services, Provision of services

- (a) shall, unless it is impractical to do so, be provided by a community health and social service centre;
- (b) shall be aimed at encouraging seniors' independence; and
- (c) shall be co-ordinated and organized so that a senior may obtain information about, or access to, any community program or support service available in the municipality through a single telephone call.

6.—(1) If it is impractical for support services to be provided by a community health and social service centre in a municipality, the Minister may make agreements with non-profit organizations and municipalities for the provision of support services. Provision of services other than through community health and social service centres

(2) The Minister may enter into agreements with other ministers for the provision of support services or the integration of support services and community programs. Agreements between ministries

7.—(1) Where the Minister provides support services in a municipality, every senior in the municipality is entitled to those support services without regard to his or her financial resources. Universal access to support services

(2) The following support services may be provided to seniors and to such other classes of persons as may be prescribed: Support services

1. Individual evaluations and counselling.
2. Social, recreational and exercise programs.
3. Meal programs.
4. Medical, health, psychological and dental services, including referrals and follow-up programs.
5. Educational programs, including, but not limited to, preventive medical and dental counselling, nutritional counselling and financial counselling.

6. Information and referral services regarding local community programs, including programs involving seniors' advocates.
7. Interpretation services.
8. Full or part-time day programs that incorporate social activities and rehabilitative care.
9. Home help programs.
10. Assistance in the performance of routine tasks away from the senior's home.
11. Daily contact by telephone or in person.
12. Transportation services.
13. Temporary short-term or long-term care to provide respite for the family members or other individuals who have assumed responsibility for the care of a senior without remuneration.
14. Emergency respite services.
15. Counselling and other assistance for the family members and other individuals mentioned in paragraph 13.
16. A service that is prescribed as a support service.

Provision
of support
services at
home

(3) Where appropriate, a support service mentioned in subsection (2) may be provided in the senior's home.

Respite
care

(4) Respite care provided under paragraph 13 or 14 of subsection (2) shall be provided in a manner that encourages the senior's independence.

Report to
Minister

8.—(1) Every person responsible for the provision of a support service shall make a report to the Minister, whenever the Minister requests it, in the form and containing the information specified by the Minister.

Public access
to report

(2) Subject to subsection (3), every person has a right of access to a report provided to the Minister under subsection (1).

Confiden-
tiality

(3) The Minister shall not disclose information from a report in a way that identifies the senior or other person

receiving a support service to whom the information relates, except with the consent of that person.

9. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing programs to be carried out at community health and social centres;
- (b) prescribing classes of persons for the purposes of subsection 7 (2);
- (c) prescribing services as support services;
- (d) governing the accommodation, facilities and equipment to be provided,
 - (i) in buildings in which support services are provided, and
 - (ii) in the course of the provision of support services;
- (e) prescribing the qualifications, powers and duties of persons employed in providing support services or any class of support services;
- (f) requiring persons responsible for providing support services to keep records and prescribing the form and content of those records;
- (g) prescribing forms and providing for their use.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

11. The short title of this Act is the *Seniors' Independence Act, 1986*. Short title

A2 ON

B

56

Bill 4

An Act respecting Advertising by Governmental Organizations

Mr. Foulds



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to control the type of advertising placed by the Government of Ontario in broadcasting and print media. The Bill prohibits the placement of advertisements by the Government of Ontario that have the effect of promoting directly or indirectly the political party to which the members of the Executive Council belong. The Bill authorizes the Commission on Election Contributions and Expenses to receive and inquire into complaints concerning government advertising. If the Commission determines that a government advertisement does directly or indirectly promote the political party to which the members of the Executive Council belong, the Government of Ontario must immediately withdraw the advertisement from further use.

Bill 4

1986

An Act respecting Advertising by Governmental Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Commission” means the Commission on Election Contributions and Expenses established under the *Election Finances Reform Act*; R.S.O. 1980,
c. 134

“governmental organization” means a ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof.

2. No governmental organization shall,

Political
advertising
by
government
prohibited

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

if the effect of the advertisement is to promote directly or indirectly the political party to which the members of the Executive Council belong.

3.—(1) An advertisement placed by a governmental organization promotes the political party to which the members of the Executive Council belong if, Prohibited
government
advertising

- (a) the advertisement contains a logo, slogan, motto or name that is similar to or likely to be identified with a logo, slogan, motto or name of the political party;

- (b) the advertisement features a photograph or voice recording of a member of the Executive Council; or
- (c) the advertisement contravenes guidelines on government advertising established by the Commission.

Guidelines

(2) The Commission shall, within one year after the day on which this Act comes into force, establish guidelines for governmental organizations to assist such organizations in complying with section 2 when placing government advertisements.

Complaint

4.—(1) Where a person believes that a government advertisement contravenes section 2, the person may file a complaint in writing with the Commission concerning the advertisement.

Report

(2) The Commission shall inquire into every complaint and shall make a report within twenty-one days after the complaint was filed to the Speaker of the Assembly or, if the Assembly is dissolved, to the Chief Election Officer indicating whether or not, in the opinion of the Commission, the government advertisement promotes directly or indirectly the political party to which the members of the Executive Council belong.

**Withdrawal
of
advertis-
ement**

(3) Where the Commission determines that a government advertisement contravenes section 2, the governmental organization that placed the advertisement shall immediately cease to broadcast or publish the advertisement and, where possible, shall withdraw the advertisement from existing uses.

**Public
examination
of report**

(4) Upon receipt of the Commission's report, the Speaker or the Chief Election Officer, as the case may be, shall provide a copy of the report to the person who filed the complaint, shall make the report available for public examination and shall cause the report to be tabled in the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

**Commence-
ment**

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Government Advertising Control Act, 1986*.

CA20N
KB
B 56

Bill 5

An Act to amend the Election Finances Reform Act

Mr. Foulds



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to prohibit advertising by the Government of Ontario during a provincial election campaign. The Bill contains exemptions from the general prohibition for advertising related to the administration of the election and advertising required for emergency purposes.

Bill 5

1986

An Act to amend the Election Finances Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

38a.—(1) The Government of Ontario shall not, during the period between the day the writ for an election is issued and polling day, Limitation
on
government
advertising

- (a) advertise on the facilities of any broadcasting undertaking; or
- (b) procure for publication, cause to be published or consent to the publication of an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for any purpose.

(2) Subsection (1) does not apply, Exceptions

- (a) to any advertisement respecting the enumeration and revision of lists of voters or respecting any other matter in relation to the administration of the election; and
- (b) to any advertisement required for emergency purpose, the subject-matter of which is approved before the advertisement is broadcast or published by the leader of each political party represented in the Assembly at the time the writ for the election was issued.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Election Finances Reform Amendment Act, 1986*.

CA20N
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-B 56

Bill 6

An Act respecting the Rights of Non-Unionized Workers

Mr. Haggerty



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to provide a low cost mechanism whereby a non-unionized worker may obtain a review by the Ontario Labour Relations Board where the worker is discharged or otherwise disciplined for cause and the contract of employment is silent on matters of discipline. At the present time, a non-unionized worker who is dismissed or otherwise disciplined for cause may have no right of action against his employer notwithstanding the fact that the discipline is, having regard to all of the circumstances, unduly harsh.

The Bill provides a two stage process for reviewing complaints involving harsh discipline. Initially, a labour relations officer would be appointed to effect a settlement which would be reduced to writing and which would have to be complied with according to its terms. Then, if no settlement is reached, or where settlement is not likely, the Ontario Labour Relations Board would inquire into the matter. The Board, if satisfied that the complaint is justified, will have the power to make an order substituting such penalty as is just and reasonable in the circumstances.

Bill 6

1986

An Act respecting the Rights of Non-Unionized Workers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the Ontario Labour Relations Board;

“complaint” means a complaint filed with the Board under subsection 2 (1).

2.—(1) Where an employee who has been discharged or otherwise disciplined for cause by his employer is of the opinion that the penalty is unduly harsh and where the employee’s contract of employment is not governed by a collective agreement under the *Labour Relations Act* and does not contain a specific penalty for the infraction for which the discharge or other discipline was imposed, the employee may file a complaint with the Board.

Complaint
to
O.L.R.B.R.S.O. 1980,
c. 228

(2) Any regulations governing the practice and procedure of the Board apply with necessary modifications to a review under subsection 3 (2) and to a complaint.

Procedure

(3) The Board may authorize a labour relations officer to inquire into a complaint.

Inquiry
by labour
relations
officer

(4) The labour relations officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter.

Duties

(5) The labour relations officer shall report the results of his inquiry and endeavours to the Board.

Report

(6) Where a labour relations officer is unable to effect a settlement of the complaint or where the Board in its discretion considers it advisable to dispense with an inquiry by a labour

Remedy

relations officer, the Board may inquire into the complaint and where the Board is satisfied that the discharge or other discipline imposed was unduly harsh, the Board may, by order, substitute such other penalty for the discharge or other discipline as to the Board seems just and reasonable in all the circumstances.

Idem

(7) Without limiting the generality of subsection (6),

- (a) where an employee has been discharged, the Board, in an order made under subsection (6), may order that the employee be reinstated in employment, with or without compensation or that the employee be compensated in lieu of reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer;
- (b) where an employee has been suspended, the Board, in an order made under subsection (6), may order that the employee be compensated for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer.

Effect of
settlement

3.—(1) Where a complaint has been settled whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed by the employer or his representative and the employee, the settlement is binding upon the employer and the employee and shall be complied with according to its terms.

Review of
settlement

(2) Where either the employer or the employee alleges that the other party has breached any term of a settlement referred to in subsection (1), the employer or the employee, as the case may be, may apply to the Board for a review of the matter and the Board, after an inquiry, may order that,

- (a) the employee or employer comply with the terms of the settlement; or
- (b) vary the terms of the settlement and order compliance with the terms of the settlement as varied.

Enforce-
ment of
orders

4. Where either the employer or the employee has failed to comply with any of the terms of an order made under subsection 2 (6) or subsection 3 (2) the other party may, after the expiration of fourteen days from the date of the order or the date provided in the order for compliance, whichever is later,

notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the order, exclusive of the reasons therefor, if any, in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such.

5. The rights conferred by this Act are in addition to any other rights that an employee may have at law but, where a complaint is filed, any action brought by the employee in a court of law related to the discharge or discipline of the employee may be stayed pending the disposition of the matter by the Board. No
derogation
of rights

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. The short title of this Act is the *Non-Unionized Workers Protection Act, 1986*. Short title

A20N
B
B 56

Bill 7

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott
Attorney General



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

Age

SECTION 2. *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

SECTION 4.—Subsection 1. *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

SECTION 12.—Subsection 1. *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

SECTION 13.—Subsection 2. *Election Act, 1984.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

SECTION 15.—Subsection 1. *Family Law Reform Act.* This repeals the capacity of a minor who is a spouse to commence, conduct or defend a proceeding without a next friend or guardian *ad litem*.

SECTION 16. *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

SECTION 18. *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 19.—Subsection 3. *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

SECTION 20.—Subsection 3. *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

SECTION 24. *Law Society Act.* The Act, which provides for suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

SECTION 28.—Subsection 4. *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

SECTION 31.—Subsection 1. *Mental Health Act.* The definition of "nearest relative" (used for establishing who may consent to certain acts) is amended by changing the age for capacity to consent from the age of majority to sixteen years. The definition of "spouse" for this purpose is also expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

Subsection 2. The age for capacity to consent to disclosure of a clinical record is changed from the age of majority to sixteen years.

Subsection 4. The age for capacity to consent to treatment is changed from the age of majority to sixteen years.

SECTION 34. *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

SECTION 35.—Subsection 2. *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

Subsection 3. The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

SECTION 38.—Subsection 2. *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

SECTION 39.—Subsection 1. *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

Subsection 2. Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

SECTION 40.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

SECTION 45. *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

SECTION 47. *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

SECTION 51. *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

SECTION 56. *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

SECTION 57. *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit.

Citizenship

SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act.* Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

SECTION 38.—Subsections 3, 4, 6 and 7. *Municipal Elections Act.* Provisions that an elector must be a Canadian citizen or other British subject are amended to remove ref-

erence to a British subject. Commencement of these provisions is postponed until July 1, 1988.

Disability

SECTION 20. *Juries Act.* See under "age", above.

SECTION 31.—Subsection 5. *Mental Health Act.* An involuntary patient determined to be not mentally competent for the purpose of consent to treatment is given the right to apply to have that determination reviewed, with any treatment delayed until the outcome of the application is finally determined. Where a person who claims to be, but is not married to the patient or a person of the opposite sex living with the patient outside marriage in a conjugal relationship of at least one year's duration and that person gives a consent to treatment, the consent is made valid if the person who acted upon the consent had no reason not to believe the claim.

SECTION 38.—Subsections 5, 8 and 9. *Municipal Elections Act.* A provision disqualifying from voting a person who is a patient in a psychiatric facility and found incompetent is repealed. Psychiatric facilities are added to the list of places which are required to have polling places. See under "general", below for provisions relating to judges and inmates of penal institutions.

Marital Status

SECTION 1. *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

SECTION 3. *Business Corporations Act, 1982.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 4.—Subsection 2. *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

Subsection 3. The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

Subsection 4. The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

SECTION 5. *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 6. *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

SECTION 7. *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 8. *Coroners Act.* The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

SECTION 9. *Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

SECTION 10. *Credit Unions and Caisses Populaires Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

SECTION 13.—Subsection 1. *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 14.—Subsection 1. *Execution Act.* "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

Subsection 2. The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

Subsection 3. The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

SECTION 15.—Subsection 1. *Family Law Reform Act.* See under "age", above.

SECTION 17. *Fraudulent Debtors Arrest Act.* The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

SECTION 18. *Human Tissue Gift Act.* See under "age", above.

SECTION 19.—Subsections 1 and 2. *Junior Farmer Establishment Act.* The definition of "family farm" is broadened to include a farm operated by a junior farmer and a spouse. and "spouse" is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

SECTION 20.—Subsection 1. *Juries Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

Subsection 2. A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

Subsection 4. The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

SECTION 23. *Landlord and Tenant Act.* "Spouse" is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year's duration. References to "husband" or "wife" in the Act are changed to "spouse". Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

SECTION 28.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

SECTION 30. *McMichael Canadian Collection Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

SECTION 31.—Subsection 1. *Mental Health Act.* See under “age”, above.

Subsection 3. This subsection makes valid a consent to disclosure of a clinical record given by a person who claims to be, but is not married to the patient or a person of the opposite sex living with the patient outside marriage in a conjugal relationship of at least one year’s duration if the person who acted upon the consent had no reason not to believe the claim.

Subsection 5. See under “disability”, above.

SECTION 33. *Mental Incompetency Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

SECTION 35.—Subsection 1. *Municipal Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

Subsection 2. See under “age”, above.

Subsection 4. A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

SECTION 36. *Municipal Conflict of Interest Act, 1983.* The definition of spouse is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

SECTION 37. *Municipal Elderly Resident’s Assistance Act.* The definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 38.—Subsections 1, 10 and 11. *Municipal Elections Act.* The definition of “spouse” is expanded to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration for all purposes of the Act.

SECTION 39.—Subsection 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 40.—Subsections 5 and 6. *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward’s Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death and the spouse is required to make a declaration of spousal status to so remain. The Act now defines spouse as in section 14 of the *Family Law Reform Act*.

SECTION 41. *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a

person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

SECTION 42. *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 43. *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 44. *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

SECTION 46. *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner’s business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

SECTION 48. *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year’s duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

SECTION 50. *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney’s spouse.

SECTION 52. *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

SECTION 55. *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

SECTION 56. *Settled Estates Act.* See under “age”, above.

SECTION 58. *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit administration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes “spouse” for “husband” and “wife” and expands “spouse” to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

Religion or Creed

The following oaths are amended to permit an affirmation:

SECTION 11. *Crown Timber Act*, for an examiner and a scaler.

SECTION 21. *Justices of the Peace Act*, for a justice of the peace.

SECTION 22.—Subsection 2. *Labour Relations Act*, for a conciliation board member.

SECTION 26. *Legislative Assembly Act*, for a committee witness and an employee of the Office of the Assembly.

SECTION 29. *Lord's Day (Ontario) Act*. The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

SECTION 49. *Police Act*, for a police chief, police officer or constable.

SECTION 53. *Public Officers Act*. The oath of a public officer is amended to permit an affirmation.

SECTION 54. *Public Service Act*, for a civil servant.

Sex

SECTION 6. *Conveyancing and Law of Property Act*. See under "marital status", above.

SECTION 14.—Subsections 2 and 3. *Execution Act*. See under "marital status", above.

SECTION 15.—Subsection 2. *Family Law Reform Act*. Subsection 68 (1) of the Act now reads as follows:

68.—(1) *Subject to subsection (2), a child who is a minor,*

(a) takes the domicile of his or her parents, where both parents have a common domicile;

(b) takes the domicile of the parent with whom the child habitually resides, where the child resides with one parent only;

(c) takes the domicile of the father, where the domicile of the child cannot be determined under clause (a) or (b); or

(d) takes the domicile of the mother, where the domicile of the child cannot be determined under clause (c).

It is amended by repealing clauses (c) and (d) and substituting for them a provision that if clauses (a) and (b) do not apply the child's domicile shall be that of the person with custody, or failing and where possible that it shall be determined as if the child were an adult, and failing that it shall be the jurisdiction with which the child has the closest connection.

SECTION 16. *Forest Fires Prevention Act*. See under "age", above.

SECTION 17. *Fraudulent Debtors Arrest Act*. See under "marital status", above.

SECTION 20.—Subsection 5. *Juries Act*. A provision allowing a judge to make an order for an all male or an all female jury is repealed.

SECTION 25. *Legal Aid Act*. The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

SECTION 27. *Libel and Slander Act*. A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

SECTION 32. *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

SECTION 35.—Subsection 2. *Municipal Act.* See under “age”, above.

SECTION 39.—Subsections 1 and 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 40.—Subsections 1 and 2. *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

SECTION 52. *Public Lands Act.* See under “marital status”, above.

SECTION 56. *Settled Estates Act.* See under “age”, above.

SECTION 57. *Statute Labour Act.* See under “age”, above.

SECTION 58. *Surrogate Courts Act.* See under “marital status”, above.

General

SECTION 22.—Subsections 1, 3 and 4. *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

SECTION 38.—Subsections 5 and 9. *Municipal Elections Act.* A provision that a judge may not vote is repealed. Inmates of penal institutions who are not under sentence are no longer disqualified from voting and are added to the list of people who may vote by proxy. Inmates of penal institutions who are under sentence are, as previously, disqualified from voting. See under “disability”, above, with regard to patients in psychiatric facilities who are found incompetent.

Bill 7**1986**

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (2) The application for the order may be made by,
- Application,
who may
make
- (a) the Attorney General;
 - (b) any one or more of the next of kin of the alleged absentee;
 - (c) the person to whom the alleged absentee is married;
 - (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
 - (e) a creditor; or
 - (f) any other person.

2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

- (a) the child, if the child has a legal obligation to support another person.

(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".

(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".

5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (fa) "spouse" means,
 - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex to whom the deceased was married immediately before the death of the deceased or with whom the deceased was living outside marriage in a conjugal relationship of at least one year’s duration immediately before the death.

9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) "related person", where used to indicate a relationship with any person, means,
 - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
 - (ii) any son or daughter of the person, or
 - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

Scaler's
oath

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form:

I, do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, “public school electors” in respect of territory without municipal organization means,

Public
school
electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out “or other British subject” in the second and third lines.

13.—(1) Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

(3) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

Interpretation

(2) Subsection 32 (1) of the said Act is amended by striking out "sixteen" in the third line and inserting in lieu thereof "eighteen".

14.—(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of
exempted
goods after
death of
debtor

5.—(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

Idem

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family.

Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit.

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

15.—(1) Subsection 2 (4) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clauses 68 (1) (c) and (d) of the said Act are repealed and the following substituted therefor:

- (c) takes the domicile of the person who has legal custody of the child, where one person has legal custody or the persons with legal custody have the same domicile and the domicile of the child cannot be determined under clause (a) or (b);
- (d) takes the domicile of the person with whom the child habitually resides, where the persons with legal custody have different domiciles, the child habitually resides with one of them and the domicile of the child cannot be determined under clause (c);

- (e) takes domicile in the same manner as if the child were of full age where the child's intention can be ascertained and where the domicile of the child cannot be determined under clause (d); or
- (f) takes domicile in the jurisdiction with which the child has the closest connection, where the domicile of the child cannot be determined under clause (e).

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

18.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(2) Subsection 3 (2) of the said Act is amended by striking out "majority" in the second line and in the seventh line and inserting in lieu thereof in each instance "sixteen years".

(3) Subsection 4 (1) of the said Act is amended by striking out "majority" in the first line and inserting in lieu thereof "sixteen years".

(4) Subsection 4 (2) of the said Act is amended by striking out "majority" in the second line and in the fifth line and inserting in lieu thereof in each instance "sixteen years".

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

"spouse"
defined

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

Consent by
spouse, etc.,
for use of
body
after death

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or
- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

19.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) "family farm" means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ja) "spouse" means a person of the opposite sex to whom the person is married or with whom the per-

son is living in a conjugal relationship outside marriage.

(3) Clause 12 (1) (a) of the said Act is repealed.

20.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

Declaration
of unmarried
spouses

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Panel
list

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

Idem

(5) Section 34 of the said Act is repealed.

21. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fourth line “(or solemnly affirm)” and by inserting after “God” in the eighth line “(omit this phrase in an affirmation)”.

22.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out “his race, creed, colour, nationality,

ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

(2) Section 24 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

1981, c. 53 (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*.

(4) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

23.—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration
for
unmarried
spouse

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration
for
unmarried
spouse

24. Section 35 of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is amended by striking out “age” in the fourth line.

25. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is repealed.

26.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

27. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

28.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in clauses (a) and (aa), who has the same home as that person; or

.

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

29. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

30. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

31.—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(j) “nearest relative” means,

- (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
- (ii) if none, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration and who has attained the age of sixteen years and is mentally competent, or
- (iii) if none, a person to whom the person is married while living separate and apart who has attained the age of sixteen and is mentally competent, or
- (iv) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (v) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (vi) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vii) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(3) Section 29 of the said Act is amended by adding thereto the following subsection:

Consent of
unmarried
spouse

(3a) Where a person who gives a consent under this section claims to be married to the patient or a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship of at least one year's duration, but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(4) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years".

(5) Section 35 of the said Act is amended by adding thereto the following subsections:

Application
for review
of patient
determined
incompetent

(2a) An involuntary patient determined to be not mentally competent to consent to psychiatric treatment proposed to be given under subsection (2) may apply in the prescribed form to the chairman of the regional review board having jurisdiction to inquire into whether the patient is not mentally competent to consent to the psychiatric treatment.

Idem

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined.

Idem

(2c) Sections 31, 32, 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

.

Consent of
spouse

(7) Where a person who gives a consent under this section claims to be married to the patient or a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship of at least one year's duration, but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

32. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability
for spouse

19. Every person whose spouse is a patient is liable for the maintenance of that spouse.

33. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application may be made by,

By whom
application
to be made

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

34. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

.

35.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following paragraph:

- 24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

(2) Section 101 of the said Act is amended,

- (a) by striking out “old age or” in the fourth line; and
- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

(3) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the

fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.

(4) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

36. Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

37. Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

38.—(1) Section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 37, section 1, is further amended by adding thereto the following paragraph:

37. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

(2) Subsection 6 (1) of the said Act is amended by striking out “sixteen” in the second line and inserting in lieu thereof “eighteen”.

(3) Clause 12 (b) of the said Act is repealed and the following substituted therefor:

- (b) is a Canadian citizen; and

(4) Clause 13 (b) of the said Act is repealed and the following substituted therefor:

(b) is a Canadian citizen; and

(5) Section 14 of the said Act is repealed and the following substituted therefor:

14. Every person who is an inmate in a penal or correctional institution under sentence of imprisonment is disqualified from voting.

Disqualifica-
tion

(6) Section 15 of the said Act is amended by striking out “or other British subject” in the third line.

(7) Subsection 33 (2) of the said Act is amended by striking out “or other British subject” in the sixth line and in the ninth line.

(8) Subsection 47 (1) of the said Act is repealed and the following substituted therefor:

(1) Where an institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or who are disabled, a hospital, a psychiatric facility, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside or a retirement home of fifty beds or more is situate in a municipality, a polling place shall be provided in such institution or upon the premises.

Polling
places in
hospitals,
etc.

(9) Subsection 67 (1) of the said Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:

(d) a person who is an inmate in a penal or correctional institution, not under sentence of imprisonment.

(10) Subsection 67 (3) of the said Act is amended by striking out “husband or wife” in the fourth line and inserting in lieu thereof “or spouse”.

(11) Clause 121 (1) (e) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 37, section 25, is repealed.

39.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

(a) by striking out “male and female” in the third and fourth lines; and

- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

Liability
of spouse

- (2) A person is liable for the payment of the tax in respect of his or her spouse.

40.—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation

(11a) In subsections (11b), (11c) and (12) “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving
spouse to
remain after
occupant’s
death

(11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

(11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation. Deemed
termination

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

41. Clause 1 (2) (e) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) he resides outside Canada, is living with and,
 - (i) is married to,
 - (ii) is living outside marriage in a conjugal relationship of at least one year’s duration with,
or
 - (iii) is a child of,
- an individual described in clause (b), (c) or (d).

42. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;
or

.

43. Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

44. Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Interpretation

(2) For the purposes of clause (1) (b), "related person" means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

45. Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

46. Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,

- (i) was married to a deceased partner immediately before the deceased partner died,
- (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
- (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

47. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

48. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration. “spouse”
defined

49. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

50. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”
defined

51. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

26. No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

52. Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.

53. Section 4 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation)”.

54.—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

55.—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

iv. any relative of that person,

v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or

vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

(b) a senior officer or director of the issuer;

(c) a parent, brother, sister or child of the issuer; or

- (d) a person of the opposite sex to whom the issuer is married or with whom the issuer is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the issuer, or
- D. a person of the opposite sex to whom the issuer is married or with whom the issuer is living in a conjugal relationship outside marriage.

56. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

57.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

Labour in township in which poll tax is not levied

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

(2) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

Statute labour in unincorporated areas

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and
- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

58. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

To what
persons
adminis-
tration
shall be
granted

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

Commence-
ment

59.—(1) This Act, except subsections 12 (2), (3), (4) and (5) and subsections 38 (3), (4), (6) and (7), comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 12 (2), (3), (4) and (5) and subsections 38 (3), (4), (6) and (7) come into force on the 1st day of July, 1988.

Short title

60. The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*.

Bill 7

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott
Attorney General

1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent



(Reprinted as amended by the Administration of Justice Committee)

EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

Age

SECTION 2. *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

SECTION 4.—Subsection 1. *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

SECTION 12.—Subsection 1. *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

SECTION 16. *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

SECTION 19. *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 20.—Subsection 3. *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

SECTION 21.—Subsection 3. *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

SECTION 25.—Subsection 1. *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

Subsections 2 to 5. Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

Subsection 6. Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

SECTION 28. *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 30.—Subsection 4. *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

SECTION 36. *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

SECTION 37.—Subsection 4. *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

Subsection 5. The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

SECTION 40.—Subsection 2. *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

SECTION 41.—Subsection 1. *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

Subsection 2. Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

SECTION 42.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

SECTION 47. *Ontario Pensioners Property Tax Assistance Act.* The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

SECTION 49. *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

SECTION 51. *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

SECTION 55. *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

SECTION 60. *Public Service Superannuation Act.* Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 64. *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

SECTION 65. *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.

SECTION 68. *Teachers' Superannuation Act, 1983*. This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

Citizenship

SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act*. Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

SECTION 25. *Law Society Act*. See under "age", above.

SECTION 37.—Subsections 2 and 3. *Municipal Act*. The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

SECTION 58.—Subsection 1. *Public Officers Act*. The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

SECTION 61. *Railways Act*. Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

SECTION 65. *Statute Labour Act*. See under "age", above.

SECTION 67. *Surveyors Act*. The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

Disability

SECTION 14. *Employment Standards Act*. Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

SECTION 21. *Juries Act*. See under "age", above.

SECTION 44. *Occupational Health and Safety Act*. A provision is repealed that excludes from the definition of "worker" for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

SECTION 56. *Private Sanitaria Act*. The Act provides for the licensing of institutions for "the care and treatment of mental and nervous illnesses". The Act provides for the admission and detention of patients in such institutions.

Marital Status

SECTION 1. *Absentees Act*. The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

SECTION 3. *Business Corporations Act, 1982.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 4.—Subsection 2. *Children’s Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

Subsection 3. The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

Subsection 4. The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

SECTION 5. *Compensation for Victims of Crime Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 6. *Conveyancing and Law of Property Act.* In several sections references to “husband”, “wife” and “married woman” are removed. There is no substantive change because the sections presently apply to any person.

SECTION 7. *Co-operative Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 8. *Coroners Act.* The definition of “spouse” is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 9. *Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate”.

SECTION 10. *Credit Unions and Caisses Populaires Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “related person”.

SECTION 13. *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of “spouse” is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 15.—Subsection 1. *Execution Act.* “Spouse” is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

Subsection 2. The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor’s widow or family, for their benefit. The amendment substitutes “surviving spouse” for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

Subsection 3. The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes “surviving spouse” for “widow”.

SECTION 17. *Fraudulent Debtors Arrest Act.* The provision repealed is: “A married woman is not liable to arrest on mesne or final process”.

SECTION 19. *Human Tissue Gift Act.* See under “age”, above.

SECTION 20.—Subsections 1 and 2. *Junior Farmer Establishment Act.* The definition of “family farm” is broadened to include a farm operated by a junior farmer and a spouse, and “spouse” is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

SECTION 21.—Subsection 1. *Juries Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

Subsection 2. A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

Subsection 4. The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

SECTION 24. *Landlord and Tenant Act.* “Spouse” is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration. References to “husband” or “wife” in the Act are changed to “spouse”. Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

SECTION 30.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

SECTION 32. *McMichael Canadian Collection Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

SECTION 35. *Mental Incompetency Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

SECTION 37.—Subsection 1. *Municipal Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

Subsection 4. See under “age”, above.

Subsection 6. A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

SECTION 38. *Municipal Conflict of Interest Act, 1983.* The definition of “spouse” is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

SECTION 39. *Municipal Elderly Resident’s Assistance Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 40.—Subsection 1. *Municipal Elections Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration for all purposes of the Act.

SECTION 41.—Subsection 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 42.—Subsections 5 and 6. *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward’s Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death and the spouse is required to make a declaration of spousal status to so remain.

SECTION 43. *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

SECTION 45. *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 46. *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 48. *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

SECTION 50. *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner’s business is not by reason of such receipt a partner or lable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

SECTION 52. *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year’s duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

SECTION 54. *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney’s spouse.

SECTION 57. *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

SECTION 63. *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

SECTION 64. *Settled Estates Act.* See under “age”, above.

SECTION 66. *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit administration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

SECTION 69. *Workers' Compensation Act.* Definition of "spouse" is amended.

Religion or Creed

The following oaths are amended to permit an affirmation:

SECTION 11. *Crown Timber Act,* for an examiner and a scaler.

SECTION 22. *Justices of the Peace Act,* for a justice of the peace.

SECTION 23.—Subsection 2. *Labour Relations Act,* for a conciliation board member.

SECTION 27. *Legislative Assembly Act,* for a committee witness and an employee of the Office of the Assembly.

SECTION 31. *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act (Canada)*. The *Lord's Day Act (Canada)* has been ruled of no force and effect by the Supreme Court of Canada.

SECTION 53. *Police Act,* for a police chief, police officer or constable.

SECTION 58.—Subsection 2. *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

SECTION 59. *Public Service Act,* for a civil servant.

SECTION 62. *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act (Canada)* which has been ruled of no force and effect by the Supreme Court of Canada.

Sex

SECTION 6. *Conveyancing and Law of Property Act.* See under "marital status", above.

SECTION 15.—Subsections 2 and 3. *Execution Act.* See under "marital status", above.

SECTION 16. *Forest Fires Prevention Act.* See under "age", above.

SECTION 17. *Fraudulent Debtors Arrest Act.* See under "marital status", above.

SECTION 21.—Subsection 5. *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

SECTION 26. *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

SECTION 29. *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

SECTION 34. *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

SECTION 37.—Subsection 4. *Municipal Act.* See under “age”, above.

SECTION 41.—Subsections 1 and 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 42.—Subsections 1 and 2. *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

SECTION 57. *Public Lands Act.* See under “marital status”, above.

SECTION 64. *Settled Estates Act.* See under “age”, above.

SECTION 65. *Statute Labour Act.* See under “age”, above.

SECTION 66. *Surrogate Courts Act.* See under “marital status”, above.

General

SECTION 18.—Subsections 1 to 5. *Human Rights Code, 1981.* Self-explanatory.


Subsection 6. Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

Subsections 7, 8, 9, 10, 15 and 16. Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.


Subsection 11. Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

Subsection 12. Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

Subsection 13. Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

Subsection 14. Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status. 

SECTION 23.—Subsections 1, 3 and 4. *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

 **SECTION 33. *Mental Health Act.*** Extensive amendments are made in relation to age and disability.

Subsection 1. The definition of “nearest relative” (used for establishing who may consent to certain acts) is revised.

Subsection 2. The definition of “regional review board” is repealed. A review board is provided for in this Bill.

Subsection 3. The definition of “restrain” is amended.

Subsection 4. The term “review board” is defined.

Subsection 5. Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 6. New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

Subsection 7. New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

Subsection 8. The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

Subsections 9 to 12. Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term “assessment” to “examination”.

Subsection 13. Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 14. Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 15. Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

Subsection 16. Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

Subsection 17. Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an “advisory review board”.

Subsections 18 and 19. Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

Subsection 20. Subsection 29 (3) of the Act is amended to change “age of majority” to “age of sixteen years”.

Subsection 21. New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

Subsections 22, 23 and 24. The term “age of majority” is replaced by “age of sixteen years”.

Subsection 25. New section 29a is added to the Act. The section deals with patient access to clinical records.

Subsection 26. Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

Subsection 27. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 28. New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

Subsections 29, 30 and 31. The amendments relate to the new composition and jurisdiction of the review board.

Subsections 32 and 33. New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsections 34 and 35. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 36 and 37. New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsections 38 to 42. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 43, 44 and 45. New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

Subsections 46, 47 and 48. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsection 49. Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

Subsection 50. Subsection 35 (2) of the Act is amended to change “age of majority” to “age of sixteen years” and to remove a reference to “regional” in relation to the review board.

Subsection 51. New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

Subsection 52. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 53. Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

Subsection 54. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 55. New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the consent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

Subsection 56. New section 35a of the Act requires documentation in the clinical record when a patient is restrained.

Subsection 57. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 58. Internal cross-references are revised.

Subsections 59 and 60. Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.


Subsection 61. Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

Subsections 62 and 63. The amendments are complementary to the new composition and jurisdiction of the review board.

SECTION 70. Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation. 

Bill 7

1986

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,
who may
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

- 43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

- (a) the child, if the child has a legal obligation to support another person.

(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".

(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".

5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (fa) "spouse" means,
 - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.


7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*. 

1986, c. 4

9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
 - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
 - (ii) any son or daughter of the person, or
 - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

Oath of
examiners

I, do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) Before a scaler’s licence or special permit is issued, the applicant shall take an oath in the following form: Scaler’s oath

I, do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, “public school electors” in respect of territory without municipal organization means, Public school electors

- (a) owners and tenants of property in such territory without municipal organization; and
- (b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

- (a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out "or other British subject" in the second and third lines.

13. Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

"spouse"
defined

(3) In this section, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4




14.—(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

15.—(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) "surviving spouse" means a person who was the person's spouse at the time of his or her death. 

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of
exempted
goods after
death of
debtor

5.—(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.


(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

 **18.—**(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(5) Section 5 of the said Act is amended by inserting after "sex" in the fifth line "sexual orientation".

(6) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant. Pregnancy

(7) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive
discrimina-
tion

10.—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(8) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

(9) Section 16 of the said Act is amended by adding thereto the following subsections:

Reasonable
accommoda-
tion

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(10) Subsection 16 (2) of the said Act is amended by striking out “the provision of access or amenities or as to” in the fifth and sixth lines.

(11) Subsection 19 (2) of the said Act is repealed.

(12) Subsection 20 (3) of the said Act is repealed.

(13) Subsection 20 (4) of the said Act is repealed.

(14) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, business inconvenience, outside sources of funding, if any, and health and safety requirements, if any.

Reasonable
accommo-
dation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

Idem

(15) Subsections 40 (2) and (3) of the said Act are repealed.

(16) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

Consent by
spouse, etc.,
for use of
body
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

- (a) the person’s spouse; or
- (b) if none or if the spouse is not readily available, any one of the person’s children; or
- (c) if none or if none is readily available, either one of the person’s parents; or
- (d) if none or if neither is readily available, any one of the person’s brothers or sisters; or
- (e) if none or if none is readily available, any other of the person’s next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or

- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(3) Clause 12 (1) (a) of the said Act is repealed.

21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

Declaration
of unmarried
spouses

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

22. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fourth line “(or solemnly affirm)” and by inserting after “God” in the eighth line “(omit this phrase in an affirmation)”.

23.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

(2) Section 24 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

1981, c. 53

(b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*.

(4) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

24.—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (ca) “spouse” means a person of the opposite sex,
- (i) to whom the person is married, or
 - (ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration
for
unmarried
spouse

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

Declaration
for
unmarried
spouse

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.



25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:


Transition re
British
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

Re-admission

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person.

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line. 

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the

truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,


Exception
for higher
education

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

Exception
for higher
education

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy. 

29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

31. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

32. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s

death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist's death".

33.—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(j) "nearest relative" means,

(i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or

(ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986,

1986, c. 4

(iii) if none or if none is available, a person to whom the person is married while living separate and apart who has attained the age of sixteen and is mentally competent, or

(iv) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or

(v) if none or if none is available, either of the parents who is mentally competent or the guardian, or

(vi) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or

(vii) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Clause 1 (r) of the said Act is repealed.

(3) Clause 1 (t) of the said Act is amended,

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

(4) Section 1 of the said Act is amended by adding thereto the following clause:

- (ta) “review board” means the review board appointed under section 30.

(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.

(6) The said Act is amended by adding thereto the following section:

Child as
informal
patient

8a.—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

Application
deemed
made

(2) Upon the completion of six months after the later of the child’s admission to the psychiatric facility as an informal patient or the child’s last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Consider-
ations

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child’s needs can be adequately met if the child is not an informal patient in the psychiatric facility;

- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

8b. Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or
voluntary
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out "120" in the fourth line and inserting in lieu thereof "72".

(9) Subsection 10 (1) of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(10) Subsection 10 (3) of the said Act is amended by striking out "assessment" in the sixth line and inserting in lieu thereof "examination".

(11) Section 11 of the said Act is amended by striking out "assessment" in the last line and inserting in lieu thereof "examination".

(12) Section 12 of the said Act is amended by striking out "assessment" in the first line and in the third line and inserting in lieu thereof in each instance "examination".

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.

(25) The said Act is further amended by adding thereto the following section:

29a.—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient’s own expense the clinical record of the patient’s observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record. Patient access to clinical record

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge. Request

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it. Duty of officer in charge

Application
to review
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

- (a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or
- (b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

Idem

(9) The review board may hear any submissions from the patient in the absence of the attending physician.

Severability

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order.

Reasons

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused.

Procedure
R.S.O. 1980,
c. 484

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4).

(13) A patient who is allowed to examine or copy a clinical record is entitled to,

Right of
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent.

Application
for review of
patient
determined
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14).

Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record.

Where
patient not
mentally
competent,
etc.

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

Application
of
subss. (2-13)

(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

(1) The Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board and shall designate a person to be the co-ordinator of the review board.

Review
board

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Panels

Chairmen of
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment
of duties

(4) The co-ordinator of the review board shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as amended by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re
competence
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,
c. 234

Notice of
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after "(1)" in the first line "(1a) or (1b)" and by striking out "regional" in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the second and third lines and inserting in lieu thereof "review board".

(31) Subsection 31 (4) of the said Act is amended by striking out "chairman of the regional review board having jurisdiction" in the fourth and fifth lines and inserting in lieu thereof "review board".

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Hearing
deemed
abandoned

32. Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken

against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

(33) The said Act is further amended by adding thereto the following section:

32a.—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate. Extension of certificate for review

(2) An extension of a certificate under subsection (1) is effective, Authority of extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate. Renewal of certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4). Authority of certificate

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate. Notice

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a Renewal deemed a nullity

nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment
of time and
place for
hearing

33b.—(1) A review board that receives notice in writing placing a matter before it for decision shall appoint a time and place for and hold a hearing.

Hearing
within seven
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of
board

33c.—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

Opinion
substituted

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Written
reasons

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

(38) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line and in the eighth line.

(39) Subsection 33e (2) of the said Act is amended by striking out “regional” in the first line, in the second line and in the fifth line.

(40) Subsection 33e (3) of the said Act is amended by striking out “regional” in the first line.

(41) Subsection 33e (4) of the said Act is amended by striking out “regional” in the third line.

(42) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line.

(43) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for appeal

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Time for answer

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Exception

(1d) Where an appeal is taken against a decision by a review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of discontinued certificate

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Extension of certificate for appeal

(1f) An extension of a certificate under subsection (1e) is effective,

Authority of extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;
- (b) until the certificate is rescinded; or
- (c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satisfied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

(44) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:

Transcript
and record

(2) Where a party appeals from a decision or an order of a review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal.

(45) The said section 33f is further amended by adding thereto the following subsection:

Early date
for appeal


(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal.

(46) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.

(47) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.

(48) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.

(49) Section 34 of the said Act is repealed.

(50) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line. 

(51) Section 35 of the said Act is amended by adding thereto the following subsections:

➡ (2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. ⬆

Application
for review of
patient
determined
incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined. Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a). Idem

➡ (52) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.

(53) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:

(5) Where the review board is satisfied,

Criteria for
treatment
order

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

(54) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.

(55) Section 35 of the said Act is further amended by adding thereto the following subsections:

(7) Where a person who gives a consent under this section claims to be,

Consent of
spouse

- (a) married to the patient; or
- (b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or

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- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

Treatment
pending
appeal

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to.

(56) The said Act is further amended by adding thereto the following section:

Documen-
tation of use
of restraint

35a.—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained.

Chemical
restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage.

(57) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".

(58) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".

(59) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".

(60) Clause 65 (1) (i) of the said Act is amended by striking out "review boards and advisory review boards" in the second line and inserting in lieu thereof "the review board".

(61) Clause 65 (1) (j) of the said Act is repealed.

(62) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(63) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

34. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

19. Every person whose spouse is a patient is liable for the maintenance of that spouse.

Liability
for spouse

35. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application may be made by,

By whom
application
to be made

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

36. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the

Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:

"spouse"
defined

(2) In this Act, "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

Qualifications
of applicants

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years.

(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out "British subjects" in the fifth line and inserting in lieu thereof "Canadian citizens".

(4) Section 101 of the said Act is amended,

- (a) by striking out "old age or" in the fourth line; and
- (b) by striking out "widows" in the sixth line and inserting in lieu thereof "surviving spouses".

(5) Paragraph 30 of section 210 of the said Act is amended by striking out "such age as the by-law may prescribe" in the fourth and fifth lines and inserting in lieu thereof "the age of twelve years".

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out "wife, husband" in the first line and inserting in lieu thereof "spouse".

38. Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:

- (n) "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

39. Section 1 of the *Municipal Elderly Resident's Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) "spouse" means a person of the opposite sex,
- (i) to whom the person is married, or
 - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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40.—(1) Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

37. "spouse" means a person of the opposite sex,
- (a) to whom the person is married, or
 - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended

by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”. ▲

41.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

Liability
of spouse

(2) A person is liable for the payment of the tax in respect of his or her spouse.

42.—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation

(11a) In subsections (11b), (11c) and (12) “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

(11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant's place.

Surviving spouse to remain after occupant's death

(11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Deemed termination

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out "occupant's spouse, as defined in section 14 of the *Family Law Reform Act*" in the third and fourth lines and inserting in lieu thereof "surviving spouse" and by striking out "his" in the sixth line and inserting in lieu thereof "a".

43. Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (g) "spouse" means a person of the opposite sex,
 - (i) to whom the person is married, or
 - (ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

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44. Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.


45. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person; or

46. Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

 **47.**—(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”. 

48. Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Interpretation

(2) For the purposes of clause (1) (b), “related person” means,

- (a) any parent, son or daughter, brother or sister of the employee;

- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

49. Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

50. Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
 - (i) was married to a deceased partner immediately before the deceased partner died,
 - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
 - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

51. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

52. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

"spouse"
defined

(2) For the purposes of subsection (1), "spouse" means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least a year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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53. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fifth line "(or solemnly affirm)" and by inserting after "God" in the thirteenth line "(omit this phrase in an affirmation)".

54. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

"spouse"
defined

(2) In this section, "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

55. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Age limit


26. No person under eighteen years of age shall act as a private investigator or a security guard.

56. The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

57. Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out "widow" in the fifth line.


58.—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out "British subject by birth or naturalization" in the

second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).” 

59.—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

 **60.** Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,


Exception
for higher
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

61. Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

62.—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed. 

63.—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

iv. any relative of that person,

- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

64. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.


65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

Labour in township in which poll tax is not levied

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

 (2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

Qualifications of voters

(3) Subsection 16 (3) of the said Act is repealed.

(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.

(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.

(6) Subsection 19 (2) of the said Act is repealed.



(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

Statute labour in unincorporated areas

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and
- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

To what persons administration shall be granted

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Canadian citizen

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

Exception for higher education

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

69. Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
 - (A) had cohabited for at least one year,
 - (B) were together the parents of a child, or
 - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

70.—(1) This Act, except,

Commence-
ment

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), sections 58, 61, 65 and 67; and
- (d) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987. Idem

(3) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(4) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), sections 58, 61, 65 and 67 come into force on the 1st day of July, 1989. Idem

(5) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

Short title

71. The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*.

Bill 7

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott
Attorney General

1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

Age

SECTION 2. *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

SECTION 4.—Subsection 1. *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

SECTION 12.—Subsection 1. *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

SECTION 16. *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

SECTION 19. *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 20.—Subsection 3. *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

SECTION 21.—Subsection 3. *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

SECTION 25.—Subsection 1. *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

Subsections 2 to 5. Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

Subsection 6. Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

SECTION 28. *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 30.—Subsection 4. *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

SECTION 36. *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

SECTION 37.—Subsection 4. *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

Subsection 5. The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

SECTION 40.—Subsection 2. *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

SECTION 41.—Subsection 1. *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

Subsection 2. Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

SECTION 42.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

SECTION 47. *Ontario Pensioners Property Tax Assistance Act.* The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

SECTION 49. *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

SECTION 51. *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

SECTION 55. *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

SECTION 60. *Public Service Superannuation Act.* Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 64. *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

SECTION 65. *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.

SECTION 68. *Teachers' Superannuation Act, 1983.* This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

Citizenship

SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act.* Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

SECTION 25. *Law Society Act.* See under "age", above.

SECTION 37.—Subsections 2 and 3. *Municipal Act.* The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

SECTION 58.—Subsection 1. *Public Officers Act.* The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

SECTION 61. *Railways Act.* Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

SECTION 65. *Statute Labour Act.* See under "age", above.

SECTION 67. *Surveyors Act.* The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

Disability

SECTION 14. *Employment Standards Act.* Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

SECTION 21. *Juries Act.* See under "age", above.

SECTION 44. *Occupational Health and Safety Act.* A provision is repealed that excludes from the definition of "worker" for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

SECTION 56. *Private Sanitaria Act.* The Act provides for the licensing of institutions for "the care and treatment of mental and nervous illnesses". The Act provides for the admission and detention of patients in such institutions.

Marital Status

SECTION 1. *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

SECTION 3. *Business Corporations Act, 1982.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 4.—Subsection 2. *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

Subsection 3. The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

Subsection 4. The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

SECTION 5. *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 6. *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

SECTION 7. *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 8. *Coroners Act.* The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

SECTION 9. *Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

SECTION 10. *Credit Unions and Caisses Populaires Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

SECTION 13. *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 15.—Subsection 1. *Execution Act.* "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

Subsection 2. The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

Subsection 3. The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

SECTION 17. *Fraudulent Debtors Arrest Act.* The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

SECTION 19. *Human Tissue Gift Act.* See under "age", above.

SECTION 20.—Subsections 1 and 2. *Junior Farmer Establishment Act.* The definition of “family farm” is broadened to include a farm operated by a junior farmer and a spouse, and “spouse” is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

SECTION 21.—Subsection 1. *Juries Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

Subsection 2. A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

Subsection 4. The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

SECTION 24. *Landlord and Tenant Act.* “Spouse” is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration. References to “husband” or “wife” in the Act are changed to “spouse”. Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

SECTION 30.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

SECTION 32. *McMichael Canadian Collection Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

SECTION 35. *Mental Incompetency Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

SECTION 37.—Subsection 1. *Municipal Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

Subsection 4. See under “age”, above.

Subsection 6. A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

SECTION 38. *Municipal Conflict of Interest Act, 1983.* The definition of “spouse” is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

SECTION 39. *Municipal Elderly Resident’s Assistance Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 40.—Subsection 1. *Municipal Elections Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside

marriage in a conjugal relationship of at least one year's duration for all purposes of the Act.

SECTION 41.—Subsection 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 42.—Subsections 5 and 6. *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward's Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death and the spouse is required to make a declaration of spousal status to so remain.

SECTION 43. *Non-resident Agricultural Land Interests Registration Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “ordinarily resident in Canada”.

SECTION 45. *Ontario Energy Board Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 46. *Ontario Mineral Exploration Program Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate”.

SECTION 48. *Ontario Youth Employment Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “related person”.

SECTION 50. *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner's business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

SECTION 52. *Perpetuities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year's duration, with regard to a disposition in favour of a spouse. The definition of “spouse” in the Act now includes some common law spouses, but is more restrictive.

SECTION 54. *Powers of Attorney Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney's spouse.

SECTION 57. *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

SECTION 63. *Securities Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining “associate” and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

SECTION 64. *Settled Estates Act.* See under “age”, above.

SECTION 66. *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit adminis-

tration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

SECTION 69. *Workers' Compensation Act.* Definition of "spouse" is amended.

Religion or Creed

The following oaths are amended to permit an affirmation:

SECTION 11. *Crown Timber Act,* for an examiner and a scaler.

SECTION 22. *Justices of the Peace Act,* for a justice of the peace.

SECTION 23.—Subsection 2. *Labour Relations Act,* for a conciliation board member.

SECTION 27. *Legislative Assembly Act,* for a committee witness and an employee of the Office of the Assembly.

SECTION 31. *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act* (Canada). The *Lord's Day Act* (Canada) has been ruled of no force and effect by the Supreme Court of Canada.

SECTION 53. *Police Act,* for a police chief, police officer or constable.

SECTION 58.—Subsection 2. *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

SECTION 59. *Public Service Act,* for a civil servant.

SECTION 62. *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act* (Canada) which has been ruled of no force and effect by the Supreme Court of Canada.

Sex

SECTION 6. *Conveyancing and Law of Property Act.* See under "marital status", above.

SECTION 15.—Subsections 2 and 3. *Execution Act.* See under "marital status", above.

SECTION 16. *Forest Fires Prevention Act.* See under "age", above.

SECTION 17. *Fraudulent Debtors Arrest Act.* See under "marital status", above.

SECTION 21.—Subsection 5. *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

SECTION 26. *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

SECTION 29. *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

SECTION 34. *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

SECTION 37.—Subsection 4. *Municipal Act.* See under “age”, above.

SECTION 41.—Subsections 1 and 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 42.—Subsections 1 and 2. *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

SECTION 57. *Public Lands Act.* See under “marital status”, above.

SECTION 64. *Settled Estates Act.* See under “age”, above.

SECTION 65. *Statute Labour Act.* See under “age”, above.

SECTION 66. *Surrogate Courts Act.* See under “marital status”, above.

General

SECTION 18.—Subsections 1 to 6. *Human Rights Code, 1981.* Self-explanatory.

Subsection 7. Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

Subsections 8, 9, 10, 11, 16 and 17. Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.

Subsection 12. Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

Subsection 13. Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

Subsection 14. Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

Subsection 15. Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status.

SECTION 23.—Subsections 1, 3 and 4. *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

SECTION 33. *Mental Health Act.* Extensive amendments are made in relation to age and disability.

Subsection 1. The definition of “nearest relative” (used for establishing who may consent to certain acts) is revised.

Subsection 2. The definition of “regional review board” is repealed. A review board is provided for in this Bill.

Subsection 3. The definition of “restrain” is amended.

Subsection 4. The term “review board” is defined.

Subsection 5. Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 6. New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

Subsection 7. New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

Subsection 8. The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

Subsections 9 to 12. Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term “assessment” to “examination”.

Subsection 13. Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 14. Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 15. Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

Subsection 16. Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

Subsection 17. Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an “advisory review board”.

Subsections 18 and 19. Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

Subsection 20. Subsection 29 (3) of the Act is amended to change “age of majority” to “age of sixteen years”.

Subsection 21. New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

Subsections 22, 23 and 24. The term “age of majority” is replaced by “age of sixteen years”.

Subsection 25. New section 29a is added to the Act. The section deals with patient access to clinical records.

Subsection 26. Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

Subsection 27. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 28. New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

Subsections 29, 30 and 31. The amendments relate to the new composition and jurisdiction of the review board.

Subsections 32 and 33. New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsections 34 and 35. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 36 and 37. New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsection 38. Self-explanatory.

Subsections 39 to 43. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 44, 45 and 46. New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

Subsections 47, 48 and 49. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsection 50. Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

Subsection 51. Subsection 35 (2) of the Act is amended to change “age of majority” to “age of sixteen years” and to remove a reference to “regional” in relation to the review board.

Subsection 52. New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

Subsection 53. The effect of the amendment is to require the consent of an involuntary patient for treatment where the patient is mentally competent and to require the consent of the nearest relative of an involuntary patient for treatment where the patient is not mentally competent and there is a nearest relative.

Subsection 54. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 55. Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

Subsection 56. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 57. New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the con-

sent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

Subsection 58. New section 35a of the Act requires documentation in the clinical record when a patient is restrained.

Subsection 59. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 60. Internal cross-references are revised.

Subsections 61 and 62. Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsection 63. Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

Subsections 64 and 65. The amendments are complementary to the new composition and jurisdiction of the review board.

SECTION 70. Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

➡ An amendment repealing a provision allowing the employment of handicapped persons at less than the minimum wage comes into force on the 1st day of March, 1987. ➡

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation.

Bill 7

1986

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,
who may
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

- (a) the child, if the child has a legal obligation to support another person.

(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".

(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".

5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (fa) "spouse" means,
 - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

- 24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (e) “spouse” means a person of the opposite sex,
- (i) to whom the deceased was married immediately before his or her death,
 - (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
 - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
 - (ii) any son or daughter of the person, or
 - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

Oath of
examiners

I, do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's
oath

I, do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public
school
electors

- (a) owners and tenants of property in such territory without municipal organization; and
- (b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

- (a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out “or other British subject” in the second and third lines.

13. Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

“spouse”
defined

(3) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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14.—(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

15.—(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) “surviving spouse” means a person who was the person’s spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of
exempted
goods after
death of
debtor

5.—(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

18.—(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

➡
(4) The said Act is amended by adding thereto the following section:

3a.—(1) Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem
➡

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(6) Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive
discrimina-
tion

10.—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

(10) Section 16 of the said Act is amended by adding thereto the following subsections:

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. | Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. | Idem

(11) Subsection 16 (2) of the said Act is amended by striking out “the provision of access or amenities or as to” in the fifth and sixth lines.

(12) Subsection 19 (2) of the said Act is repealed.

(13) Subsection 20 (3) of the said Act is repealed.

(14) Subsection 20 (4) of the said Act is repealed.

(15) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. | Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. | Idem

(16) Subsections 40 (2) and (3) of the said Act are repealed.

(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is

amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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Consent by
spouse, etc.,
for use of
body
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

- (a) the person’s spouse; or
- (b) if none or if the spouse is not readily available, any one of the person’s children; or
- (c) if none or if none is readily available, either one of the person’s parents; or
- (d) if none or if neither is readily available, any one of the person’s brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(3) Clause 12 (1) (a) of the said Act is repealed.

21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom

that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Declaration
of unmarried
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

22. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

23.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

▼
(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*.

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

24.—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (ca) “spouse” means a person of the opposite sex,
- (i) to whom the person is married, or
 - (ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re
British
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line.

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception
for higher
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:

Exception
for higher
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

31. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

32. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

33.—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
 - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
 - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or

1986, c. 4



(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Clause 1 (r) of the said Act is repealed.

(3) Clause 1 (t) of the said Act is amended,

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

(4) Section 1 of the said Act is amended by adding thereto the following clause:

- (ta) “review board” means the review board appointed under section 30.

(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.

(6) The said Act is amended by adding thereto the following section:

Child as
informal
patient

8a.—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application
deemed
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

8b. Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or
voluntary
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section Consent of spouse claims to be,

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.

(25) The said Act is further amended by adding thereto the following section:

Patient access
to clinical
record

29a.—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient’s own expense the clinical record of the patient’s observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of
officer in
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application
to review
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

(a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or

(b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure
R.S.O. 1980,
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application
for review of
patient
determined
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where
patient not
mentally
competent,
etc.

Application
of
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Review
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re
competence
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,
c. 234

Notice of
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

32. Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing
deemed
abandoned

(33) The said Act is further amended by adding thereto the following section:

32a.—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of
certificate for
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

Renewal of
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal
deemed a
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment
of time and
place for
hearing

33b.—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing
within seven
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of
board

33c.—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician. Opinion substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision. Written reasons

▼
(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient. Party may examine clinical record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient. Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party. Idem
▲

(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line and in the eighth line.

(40) Subsection 33e (2) of the said Act is amended by striking out “regional” in the first line, in the second line and in the fifth line.

(41) Subsection 33e (3) of the said Act is amended by striking out “regional” in the first line.

(42) Subsection 33e (4) of the said Act is amended by striking out “regional” in the third line.

(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line.

(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:

Time for
appeal

(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.

Time for
answer

(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.

Exception

(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).

Extension of
discontinued
certificate

(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.

Extension of
certificate for
appeal

(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.

Authority of
extension

(1f) An extension of a certificate under subsection (1e) is effective,

(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;

(b) until the certificate is rescinded; or

(c) until the party appealing withdraws the appeal,

whichever first occurs.

Renewal of
certificate

(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.

Authority of
certificate

(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).

Evidence for
extension

(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal. Transcript and record

(46) The said section 33f is further amended by adding thereto the following subsection:

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal. Early date for appeal

(47) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.

(48) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.

(49) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.

(50) Section 34 of the said Act is repealed.

(51) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.

(52) Section 35 of the said Act is amended by adding thereto the following subsections:

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application for review of patient determined incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined. Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.

(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:

Criteria for
treatment
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.

(57) Section 35 of the said Act is further amended by adding thereto the following subsections:

Consent of
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

- (b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

(58) The said Act is further amended by adding thereto the following section:

35a.—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

(59) Subsection 43 (1) of the said Act is amended by striking out “chairman of the review board having jurisdiction” in the third and fourth lines and inserting in lieu thereof “review board”.

(60) Subsection 43 (2) of the said Act is amended by striking out “31, 32 and 33” in the second and third lines and inserting in lieu thereof “33, 33a, 33b, 33c, 33d, 33e and 33f”.

(61) Clause 65 (1) (h) of the said Act is amended by striking out “a” in the second line and inserting in lieu thereof “the”.

(62) Clause 65 (1) (i) of the said Act is amended by striking out “review boards and advisory review boards” in the second line and inserting in lieu thereof “the review board”.

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(65) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

34. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability
for spouse

19. Every person whose spouse is a patient is liable for the maintenance of that spouse.

35. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom
application
to be made

- (2) The application may be made by,
- (a) the Attorney General;
 - (b) any one or more of the next of kin of the alleged mentally incompetent person;
 - (c) the person to whom the alleged mentally incompetent person is married;
 - (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
 - (e) a creditor; or
 - (f) any other person.

36. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”
defined

- (a) to whom the person is married; or

- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986, c. 4

(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications
of applicants

(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.

(4) Section 101 of the said Act is amended,

- (a) by striking out “old age or” in the fourth line; and

- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

38. Clause 1 (n) of the *Municipal Conflict of Interest Act*, 1983, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

39. Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
 - (i) to whom the person is married, or
 - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

40.—(1) Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

- 37. “spouse” means a person of the opposite sex,
 - (a) to whom the person is married, or
 - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”.

41.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse. Liability
of spouse

42.—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation (11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving spouse to remain after occupant’s death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

43. Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (g) “spouse” means a person of the opposite sex,
 - (i) to whom the person is married, or
 - (ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

44. Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

45. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;
or

46. Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

47.—(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

48. Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

49. Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

50. Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
 - (i) was married to a deceased partner immediately before the deceased partner died,
 - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
 - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

51. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

52. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex, “spouse”
defined

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least a year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

53. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

54. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”
defined

55. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

26. No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

56. The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

57. Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.

58.—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

59.—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

60. Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception
for higher
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

61. Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

62.—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

63.—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

64. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Labour in township in which poll tax is not levied

5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and high-ways in the township.

(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

(3) Subsection 16 (3) of the said Act is repealed.

(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.

(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.

(6) Subsection 19 (2) of the said Act is repealed.

(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the *Revised Statutes of Ontario*, 1980, is repealed and the following substituted therefor:

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the *Revised Statutes of Ontario*, 1980, is repealed and the following substituted therefor:

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education

of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

69. Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
 - (A) had cohabited for at least one year,
 - (B) were together the parents of a child, or
 - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

Commence-
ment

70.—(1) This Act, except,

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (e) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem


(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.

Idem

(4) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988.

(5) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989.  ^{Idem}

(6) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. ^{Idem}

71. The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. ^{Short title}

Bill 7

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott
Attorney General

1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent



*(Reprinted as amended by the Committee of the Whole House)
(On Second Referral)*

EXPLANATORY NOTES

This Bill amends various provisions of the statutes to conform to section 15 of the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*, as follows:

Age

SECTION 2. *Apprenticeship and Tradesmen's Qualification Act.* A provision requiring an employer to notify any employee under twenty-one years of age of an apprentice training program is repealed.

SECTION 4.—Subsection 1. *Children's Law Reform Act.* Consent to a blood test for a minor in determining parentage is presently based on age; only those minors sixteen years of age or more can consent to such a test. The amendment provides that anyone who understands the procedure can consent to it.

SECTION 12.—Subsection 1. *Education Act.* A provision that makes binding a contract for repayment of a provincial student loan made by a person under twenty-one is repealed.

SECTION 16. *Forest Fires Prevention Act.* A provision giving an officer the right to summon the assistance of physically fit males between eighteen and sixty years of age to control a fire is amended to apply to both sexes over eighteen years of age, with no upper age limit.

SECTION 19. *Human Tissue Gift Act.* The minimum age for giving a consent is changed from the age of majority to sixteen years. The minimum age requirement for a substitute consent is removed. For the purpose of a consent by a spouse, the definition of spouse is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 20.—Subsection 3. *Junior Farmer Establishment Act.* A requirement that an applicant for a loan be at least eighteen and no more than thirty-five years old is removed.

SECTION 21.—Subsection 3. *Juries Act.* A provision that a person can elect not to serve on a jury because of advanced age or blindness is repealed.

SECTION 25.—Subsection 1. *Law Society Act.* Subsection 14 (2) of the *Law Society Act* provides that *ex officio* Benchers, on attaining the age of seventy-five years, can no longer vote in Convocation or in a committee. This is repealed.

Subsections 2 to 5. Provisions of the Act requiring members to be Canadian citizens or British subjects are amended to require that they be Canadian citizens. Commencement of these provisions is postponed to July 1, 1989 to give non-citizen members an opportunity to seek citizenship.

Subsection 6. Suspension for incapacity for any cause, is amended to remove a specific reference to age as a ground.

SECTION 28. *Legislative Assembly Retirement Allowances Act.* Sections 11 and 19 of the Act provide for a member's or former member's spouse and children under the age of eighteen to receive allowances on the death of the member or former member. These subsections, which deem children over eighteen who are in school full time to be under eighteen, now provide an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 30.—Subsection 4. *Loan and Trust Corporations Act.* The Act prohibits a loan to any child under twenty-one years of age who is individually or as part of a family group a substantial shareholder. The amendment removes the age reference.

SECTION 36. *Motorized Snow Vehicles Act.* The minimum age required to drive a motorized snow vehicle across a highway is raised from fourteen to sixteen years.

SECTION 37.—Subsection 4. *Municipal Act.* The Act, which provides for gratuities for fire fighters who have become incapacitated for a number of reasons including old age, is amended to delete the specific reference to age. The section, which also provides for gratuities to widows and children of firefighters killed while on duty, is amended to change “widows” to “surviving spouses”.

Subsection 5. The Act empowers a municipality to make by-laws concerning the sale of fireworks to any person under an age to be prescribed by the by-law. It is amended by specifying the age as twelve years.

SECTION 40.—Subsection 2. *Municipal Elections Act.* The minimum age for a person to be appointed as a scrutineer is raised from sixteen to eighteen years.

SECTION 41.—Subsection 1. *Municipal Health Services Act.* A provision that a municipal council may levy and collect a personal tax in respect of every male and female resident seventeen years of age or over is amended to remove “male and female” and to change the age to eighteen years.

Subsection 2. Liability for payment of this tax is presently fixed against a parent in respect of a dependent seventeen year old and against a husband in respect of his wife. The former is repealed and the latter amended to make the liability apply to either spouse in respect of the other.

SECTION 42.—Subsections 3 and 4. *Municipality of Metropolitan Toronto Act.* In a provision concerning establishing priority as between classes of occupants of property on Algonquin or Ward’s Island, a specific reference to the age of the occupant as a factor to be considered is removed. The factors remaining are the occupant’s length of residence and any other factors the City of Toronto considers relevant.

SECTION 47. *Ontario Pensioners Property Tax Assistance Act.* The limitation period for applying for a grant or for an additional grant under the Act is extended from twelve months to three years from the end of the year to which the grant relates.

SECTION 49. *Ophthalmic Dispensers Act.* The Act requires an applicant for registration to be over twenty-one years of age and of good moral character. This is repealed.

SECTION 51. *Pawnbrokers Act.* The Act prohibits a pawnbroker from employing or permitting anyone under sixteen years of age to take any pledge in pawn. This is repealed.

SECTION 55. *Private Investigators and Security Guards Act.* The minimum age to be a private investigator is changed from twenty-one years to eighteen years.

SECTION 60. *Public Service Superannuation Act.* Section 20 provides for a contributor’s spouse and children under the age of eighteen to receive allowances on the death of the contributor. This subsection, which deems children over eighteen who are in school full time to be under eighteen, now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

SECTION 64. *Settled Estates Act.* The provision that a married woman may make or consent to or oppose any application whether or not she is of full age is repealed.

SECTION 65. *Statute Labour Act.* The Act sets the liability for males over eighteen and under sixty years of age to statute labour. The amendments substitute “person” for “male” and remove the upper age limit. Reference to being a British subject is also removed from the Act.

SECTION 68. *Teachers' Superannuation Act, 1983.* This subsection now provides an upper age limit of less than twenty-five years of age, rather than limiting the period of time in a post-secondary educational institution.

Citizenship

SECTION 12.—Subsections 2, 3, 4 and 5. *Education Act.* Provisions concerning public or separate school electors, which require an elector to be a Canadian citizen or other British subject are amended to remove reference to a British subject. Commencement of these provisions is postponed until July 1, 1988.

SECTION 25. *Law Society Act.* See under “age”, above.

SECTION 37.—Subsections 2 and 3. *Municipal Act.* The provisions of the *Municipal Act* concern applicants to incorporate improvement districts, townships, villages and towns and applicants for annexations. In each case the Act requires the applicant to be a British subject. The amendment would require that the applicant be a Canadian citizen.

SECTION 58.—Subsection 1. *Public Officers Act.* The Act requires a person employed in a public office in Ontario to be a British subject. The amendment would require, instead, that the person be a Canadian citizen or a permanent resident of Canada.

SECTION 61. *Railways Act.* Subsection 16 (5) of the Act requires that the majority of the Directors of a railway company be British subjects if the company has received aid towards the construction of its railway or undertaking from the Government of Ontario under any Act of the Legislature.

SECTION 65. *Statute Labour Act.* See under “age”, above.

SECTION 67. *Surveyors Act.* The Act requires that a member of the council be a Canadian citizen or a British subject rather than a Canadian citizen or a permanent resident of Canada.

Disability

SECTION 14. *Employment Standards Act.* Section 24 gives the Director of Employment Standards the authority, with the consent of a handicapped person, to authorize the employment of the handicapped person at a wage lower than the minimum wage.

SECTION 21. *Juries Act.* See under “age”, above.

SECTION 44. *Occupational Health and Safety Act.* A provision is repealed that excludes from the definition of “worker” for the purposes of the Act a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home or rehabilitation facility.

SECTION 56. *Private Sanitaria Act.* The Act provides for the licensing of institutions for “the care and treatment of mental and nervous illnesses”. The Act provides for the admission and detention of patients in such institutions.

Marital Status

SECTION 1. *Absentees Act.* The Act provides that the Attorney General, the next-of-kin, the wife or husband, creditor or other person may apply for an order declaring a person to be an absentee. The amendment removes the reference to wife or husband and puts in its place the person of the opposite sex to whom the absentee was married or with whom the absentee was living in a conjugal relationship outside marriage.

SECTION 3. *Business Corporations Act, 1982.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 4.—Subsection 2. *Children's Law Reform Act.* Under the Act, where a person is under a duty to pay specified amounts of money to a child, payment directly to the child discharges that duty only if the child is married. Under the amendment, the child would be paid directly if the child had a legal obligation to support another person.

Subsection 3. The Act allows a married child to apply for an end to his or her guardianship. The amendment repeals that provision and allows a child who has a legal obligation to support another person to so apply.

Subsection 4. The Act allows a married minor to apply in or respond to an action under Part III (custody, access and guardianship). The amendment repeals that provision and allows a minor who is a parent to so apply or respond.

SECTION 5. *Compensation for Victims of Crime Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 6. *Conveyancing and Law of Property Act.* In several sections references to "husband", "wife" and "married woman" are removed. There is no substantive change because the sections presently apply to any person.

SECTION 7. *Co-operative Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for all purposes of the Act.

SECTION 8. *Coroners Act.* The definition of "spouse" is expanded to include a person with whom the deceased was living immediately before death outside marriage in a conjugal relationship of at least one year's duration.

SECTION 9. *Corporations Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "associate".

SECTION 10. *Credit Unions and Caisses Populaires Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining "related person".

SECTION 13. *Election Act, 1984.* In a provision specifying who may apply on behalf of an elector to obtain a certificate to vote, the definition of "spouse" is expanded to include a person of the opposite sex with whom the elector is living outside marriage in a conjugal relationship of at least one year's duration.

SECTION 15.—Subsection 1. *Execution Act.* "Spouse" is defined for all purposes of the Act to include a person of the opposite sex living with a person in a conjugal relationship outside marriage.

Subsection 2. The Act provides that after the death of the debtor, chattels exempt from seizure can be retained by the debtor's widow or family, for their benefit. The amendment substitutes "surviving spouse" for widow, so the provision would apply to surviving spouses of both sexes, whether married or not.

Subsection 3. The Act provides that the debtor, his widow or family may select out chattels exempt from seizure. The amendment substitutes "surviving spouse" for "widow".

SECTION 17. *Fraudulent Debtors Arrest Act.* The provision repealed is: "A married woman is not liable to arrest on mesne or final process".

SECTION 19. *Human Tissue Gift Act.* See under "age", above.

SECTION 20.—Subsections 1 and 2. *Junior Farmer Establishment Act.* The definition of “family farm” is broadened to include a farm operated by a junior farmer and a spouse, and “spouse” is defined to include a person of the opposite sex to whom the person is living in a conjugal relationship outside marriage.

SECTION 21.—Subsection 1. *Juries Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of determining ineligibility to serve under subsection 3 (1).

Subsection 2. A person who claims ineligibility to serve on a jury because of living in a conjugal relationship outside marriage with a judge, justice of the peace, lawyer, student-at-law or person engaged in enforcing the law must file a declaration of spousal status.

Subsection 4. The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that spouses may not be on the same jury list.

SECTION 24. *Landlord and Tenant Act.* “Spouse” is defined to include the person of the opposite sex with whom a person is living outside marriage in a conjugal relationship of at least one year’s duration. References to “husband” or “wife” in the Act are changed to “spouse”. Three provisions under which a landlord requires premises for a spouse are amended to require of unmarried spouses a declaration of spousal status.

SECTION 30.—Subsections 1, 2, 3 and 5. *Loan and Trust Corporations Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, for the purpose of defining “associate” and “related person” and of establishing what investments are prohibited.

SECTION 32. *McMichael Canadian Collection Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, with regard to burial of an artist or spouse of the artist.

SECTION 35. *Mental Incompetency Act.* The definition of “spouse” has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, and “spouse” is substituted for “husband or wife”, in a provision allowing any person, including a husband or wife, to apply for a declaration of mental incompetency in respect of another person.

SECTION 37.—Subsection 1. *Municipal Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration, for all purposes of the Act.

Subsection 4. See under “age”, above.

Subsection 6. A provision that a spouse’s goods may be seized where those goods are on land subject to tax arrears is amended to include a “spouse” as defined in subsection (1).

SECTION 38. *Municipal Conflict of Interest Act, 1983.* The definition of “spouse” is expanded to include a person of the opposite sex living with the person in a conjugal relationship outside marriage. The Act now includes some common law spouses but is more restrictive.

SECTION 39. *Municipal Elderly Resident’s Assistance Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship of at least one year’s duration.

SECTION 40.—Subsection 1. *Municipal Elections Act.* The definition of “spouse” is expanded to include a person of the opposite sex with whom a person is living outside

marriage in a conjugal relationship of at least one year's duration for all purposes of the Act.

SECTION 41.—Subsection 2. *Municipal Health Services Act.* See under "age", above.

SECTION 42.—Subsections 5 and 6. *Municipality of Metropolitan Toronto Act.* In a provision concerning the rights of a surviving spouse of an occupant of property on Algonquin or Ward's Island to remain on the property, the definition of spouse is expanded to include a person who was living with the occupant in a conjugal relationship outside marriage immediately before the occupant's death and the spouse is required to make a declaration of spousal status to so remain.

SECTION 43. *Non-resident Agricultural Land Interests Registration Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "ordinarily resident in Canada".

SECTION 45. *Ontario Energy Board Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate".

SECTION 46. *Ontario Mineral Exploration Program Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate".

SECTION 48. *Ontario Youth Employment Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "related person".

SECTION 50. *Partnerships Act.* The Act provides that a surviving spouse or child of a deceased partner who receives by way of annuity a portion of the profits of the deceased partner's business is not by reason of such receipt a partner or liable as such. The amendment makes the provision apply also to a person of the opposite sex with whom the partner was living in a conjugal relationship outside marriage.

SECTION 52. *Perpetuities Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives outside marriage in a conjugal relationship of at least one year's duration, with regard to a disposition in favour of a spouse. The definition of "spouse" in the Act now includes some common law spouses, but is more restrictive.

SECTION 54. *Powers of Attorney Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in a provision that if a power of attorney may be exercised during any subsequent legal incapacity of the donor, the power shall be executed in the presence of a witness other than the attorney or the attorney's spouse.

SECTION 57. *Public Lands Act.* The Act provides that lands are not to be liable for debts incurred before the issue of letters patent by the purchaser, his widow, heirs or devisees. The amendment deletes reference to the widow.

SECTION 63. *Securities Act.* The definition of "spouse" has been expanded to include the person of the opposite sex with whom a person lives in a conjugal relationship outside marriage, in defining "associate" and in a provision exempting from prospectus requirements a spouse of the issuer if the spouse has access to substantially the same information concerning the issuer that a prospectus would provide.

SECTION 64. *Settled Estates Act.* See under "age", above.

SECTION 66. *Surrogate Courts Act.* The Act provides that where a person dies intestate or the executor refuses to prove the will, the court may in its discretion commit adminis-

tration to the husband, the wife, the next-of-kin or the wife and next-of-kin. The amendment substitutes "spouse" for "husband" and "wife" and expands "spouse" to include a person of the opposite sex with whom the person is living in a conjugal relationship outside marriage.

SECTION 69. *Workers' Compensation Act.* Definition of "spouse" is amended.

Religion or Creed

The following oaths are amended to permit an affirmation:

SECTION 11. *Crown Timber Act,* for an examiner and a scaler.

SECTION 22. *Justices of the Peace Act,* for a justice of the peace.

SECTION 23.—Subsection 2. *Labour Relations Act,* for a conciliation board member.

SECTION 27. *Legislative Assembly Act,* for a committee witness and an employee of the Office of the Assembly.

SECTION 31. *Lord's Day (Ontario) Act.* The Act empowers municipalities to pass by-laws allowing people to engage in various activities otherwise disallowed under the *Lord's Day Act (Canada)*. The *Lord's Day Act (Canada)* has been ruled of no force and effect by the Supreme Court of Canada.

SECTION 53. *Police Act,* for a police chief, police officer or constable.

SECTION 58.—Subsection 2. *Public Officers Act.* The oath of a public officer is amended to permit an affirmation.

SECTION 59. *Public Service Act,* for a civil servant.

SECTION 62. *Retail Business Holidays Act.* The provisions to be repealed refer to the *Lord's Day (Ontario) Act*, which is to be repealed by section 31 of this Bill, and to the *Lord's Day Act (Canada)* which has been ruled of no force and effect by the Supreme Court of Canada.

Sex

SECTION 6. *Conveyancing and Law of Property Act.* See under "marital status", above.

SECTION 15.—Subsections 2 and 3. *Execution Act.* See under "marital status", above.

SECTION 16. *Forest Fires Prevention Act.* See under "age", above.

SECTION 17. *Fraudulent Debtors Arrest Act.* See under "marital status", above.

SECTION 21.—Subsection 5. *Juries Act.* A provision allowing a judge to make an order for an all male or an all female jury is repealed.

SECTION 26. *Legal Aid Act.* The following provision is repealed:

"A certificate shall not be issued to a person in proceedings wholly or partly in respect of defamation or loss of service of a female in consequence of rape."

SECTION 29. *Libel and Slander Act.* A provision dispensing with proof of special damage in an action arising from the imputing of unchastity or adultery of a woman is repealed.

SECTION 34. *Mental Hospitals Act.* A provision that a man is liable for maintenance of his wife where his wife is a patient is amended to apply equally to both sexes.

SECTION 37.—Subsection 4. *Municipal Act.* See under “age”, above.

SECTION 41.—Subsections 1 and 2. *Municipal Health Services Act.* See under “age”, above.

SECTION 42.—Subsections 1 and 2. *Municipality of Metropolitan Toronto Act.* The provisions concern the right of a child of a sole supporting mother to attend school without paying a fee. The amendment is made to apply in respect of a sole supporting father as well.

SECTION 57. *Public Lands Act.* See under “marital status”, above.

SECTION 64. *Settled Estates Act.* See under “age”, above.

SECTION 65. *Statute Labour Act.* See under “age”, above.

SECTION 66. *Surrogate Courts Act.* See under “marital status”, above.

General

SECTION 18.—Subsections 1 to 6. *Human Rights Code, 1981.* Self-explanatory.

Subsection 7. Section 9 of the Act is amended to provide for equal treatment without discrimination because a woman is or may become pregnant.

Subsections 8, 9, 10, 11, 16 and 17. Section 16 of the Act limits the protection of the Act in respect of people with handicaps. The part of it that limits the application of the Act because a person does not have access to premises, services, goods, facilities or accommodation or cannot use them because they lack the appropriate amenities is repealed. The part of it that limits the application of the Act because a person cannot perform or fulfill the essential duties or requirements attending exercise of a right is preserved. Section 10 of the Act, dealing with constructive discrimination, is re-worded to ensure that it applies to discrimination on the basis of handicap and to make section 16 subject to it.

Subsection 12. Subsection 19 (2) of the Act provides that restriction of membership in an athletic organization or participation in an athletic activity to members of the same sex is not an infringement of a right under the *Code*. This is repealed.

Subsection 13. Subsection 20 (3) of the Act provides that the Act does not apply with respect to discrimination on the basis of marital status with respect to the occupancy of residential accommodation where the building contains no more than four dwelling units, one of which is occupied by the owner or his or her family. This is repealed.

Subsection 14. Subsection 20 (4) of the Act provides that the Act does not apply with respect to discrimination on the basis of family status with respect to the occupancy of residential accommodation in a building or part of a building that contains more than one dwelling unit served by a common entrance and the occupancy of all the residential accommodation in the building or in the designated part of the building is restricted because of family status. This is repealed.

Subsection 15. Section 23 relates to discrimination in employment. Clause (1) (b) relates to discrimination for reasons of age, sex, record of offences or marital status.

SECTION 23.—Subsections 1, 3 and 4. *Labour Relations Act.* Several provisions of this Act which prohibit discrimination on the basis of a number of named grounds are expanded to prohibit discrimination on the basis of any ground not allowed by the *Human Rights Code, 1981* or by section 15 of *Canadian Charter of Rights and Freedoms*.

SECTION 33. *Mental Health Act.* Extensive amendments are made in relation to age and disability.

Subsection 1. The definition of “nearest relative” (used for establishing who may consent to certain acts) is revised.

Subsection 2. The definition of “regional review board” is repealed. A review board is provided for in this Bill.

Subsection 3. The definition of “restrain” is amended.

Subsection 4. The term “review board” is defined.

Subsection 5. Section 8 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 6. New section 8a is added to the Act to provide for children as informal patients in psychiatric facilities.

Subsection 7. New section 8b of the Act provides that the authority to detain and restrain a patient does not apply in respect of an informal or voluntary patient.

Subsection 8. The amendment reduces the period of time during which a person may be detained for a psychiatric examination from 120 hours to 72 hours.

Subsections 9 to 12. Subsections 10 (1) and (3) and sections 11 and 12 of the Act are amended to change the term “assessment” to “examination”.

Subsection 13. Section 13 of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 14. Subsection 14 (1) of the Act is amended to refer to voluntary patients as well as informal patients.

Subsection 15. Subsection 14 (3) of the Act is amended to reduce the detention period from 120 hours to 72 hours and to refer to voluntary patients as well as to informal patients.

Subsection 16. Subsections 14 (5), (6) and (7) of the Act are amended to refer to voluntary patients as well as informal patients.

Subsection 17. Clause 20 (3) (b), which relates to communication by or to a patient, is amended to remove the reference to an “advisory review board”.

Subsections 18 and 19. Section 29 of the Act relates to disclosure of clinical records. Subsections 29 (1) and (2) are amended to refer to new section 29a, which relates to patient access to clinical records and which is added by this Bill.

Subsection 20. Subsection 29 (3) of the Act is amended to change “age of majority” to “age of sixteen years”.

Subsection 21. New subsection 29 (3a) is added to the Act. The subsection deals with the consent of a spouse in relation to a clinical record.

Subsections 22, 23 and 24. The term “age of majority” is replaced by “age of sixteen years”.

Subsection 25. New section 29a is added to the Act. The section deals with patient access to clinical records.

Subsection 26. Subsections 30 (1) to (4) of the Act establish the composition of the new review board to have jurisdiction throughout Ontario.

Subsection 27. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 28. New subsections 30a (1a) and (1b) provide for notices to patients and to the area director under the *Legal Aid Act*, in the circumstances set out in those subsections.

Subsections 29, 30 and 31. The amendments relate to the new composition and jurisdiction of the review board.

Subsections 32 and 33. New sections 32 and 32a relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsections 34 and 35. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 36 and 37. New sections 33b and 33c also relate to procedures for the review of certificates of involuntary admission and certificates of renewal.

Subsection 38. Self-explanatory.

Subsections 39 to 43. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsections 44, 45 and 46. New subsections 33f (1a) to (1i), (2) and (2a) relate to procedures for appeals from decisions of the review board.

Subsections 47, 48 and 49. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsection 50. Section 34 of the Act provides for an advisory review board. The advisory review board is now provided for under the *Criminal Code* (Canada).

Subsection 51. Subsection 35 (2) of the Act is amended to change “age of majority” to “age of sixteen years” and to remove a reference to “regional” in relation to the review board.

Subsection 52. New subsections 35 (2a), (2b) and (2c) authorize an involuntary patient to apply to the review board for an inquiry into whether the patient is not mentally competent.

Subsection 53. The effect of the amendment is to require the consent of an involuntary patient for treatment where the patient is mentally competent and to require the consent of the nearest relative of an involuntary patient for treatment where the patient is not mentally competent and there is a nearest relative.

Subsection 54. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 55. Subsection 35 (5) of the Act is re-enacted to provide new criteria to govern the review board in determining whether it should authorize psychiatric treatment.

Subsection 56. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 57. New subsection 35 (7) provides that the consent of a person who claims to be a spouse is valid for the purposes of the Act if the person who acted upon the con-

sent had no reason to believe that the person who gave the consent was not the spouse. New subsection 35 (8) prevents the providing of psychiatric treatment to a patient pending the outcome of an appeal related to the treatment, unless otherwise ordered by a judge of the court appealed to.

Subsection 58. New section 35a of the Act requires documentation in the clinical record when a patient is restrained.

Subsection 59. The amendment is complementary to the new composition and jurisdiction of the review board.

Subsection 60. Internal cross-references are revised.

Subsections 61 and 62. Subsection 65 (1) of the Act authorizes the making of regulations. The amendments are complementary to the new composition and jurisdiction of the review board.

Subsection 63. Clause 65 (1) (j) provided for time limits for decisions of the review board and advisory review board. Times in respect of the review board are now provided in new sections 33b and 33c. The advisory review board is governed by the *Criminal Code* (Canada).

Subsections 64 and 65. The amendments are complementary to the new composition and jurisdiction of the review board.

SECTION 70. Commencement.

Amendments respecting pensions come into force on the 1st day of January, 1987.

An amendment repealing a provision allowing the employment of handicapped persons at less than the minimum wage comes into force on the 1st day of March, 1987.

A provision that patients may not be treated without their consent or the consent of their nearest relative comes into force on the 1st day of April, 1987.

Provisions related to citizenship come into force three years after they were first made public.

Provisions that require supporting regulations or forms come into force on proclamation.

Bill 7

1986

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,
who may
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

- (a) the child, if the child has a legal obligation to support another person.

(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".

(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".

5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (fa) "spouse" means,
 - (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
 - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
 - (ii) any son or daughter of the person, or
 - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's oath

I, do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public school electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out “or other British subject” in the second and third lines.

13. Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

“spouse”
defined

(3) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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14.—(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

15.—(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) “surviving spouse” means a person who was the person’s spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of
exempted
goods after
death of
debtor

5.—(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels exempt from seizure for the benefit of the surviving spouse and the debtor's family. Idem

(3) If there is no surviving spouse, the family of the debtor is entitled to the chattels exempt from seizure for its own benefit. Idem

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

18.—(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

3a.—(1) Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. Accommodation of person under eighteen

(2) A contract for accommodation entered into by a sixteen or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old. Idem

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(6) Section 5 of the said Act is amended by inserting after "sex" in the fifth line "sexual orientation".

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive
discrimina-
tion

10.—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

(10) Section 16 of the said Act is amended by adding thereto the following subsections:

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(11) Subsection 16 (2) of the said Act is amended by striking out “the provision of access or amenities or as to” in the fifth and sixth lines.

(12) Subsection 19 (2) of the said Act is repealed.

(13) Subsection 20 (3) of the said Act is repealed.

(14) Subsection 20 (4) of the said Act is repealed.

(15) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(16) Subsections 40 (2) and (3) of the said Act are repealed.

(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is

amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person's death, was living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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Consent by
spouse, etc.,
for use of
body
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person's death is imminent,

- (a) the person's spouse; or
- (b) if none or if the spouse is not readily available, any one of the person's children; or
- (c) if none or if none is readily available, either one of the person's parents; or
- (d) if none or if neither is readily available, any one of the person's brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(3) Clause 12 (1) (a) of the said Act is repealed.

21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom

that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Declaration
of unmarried
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

22. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

23.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

24.—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re
British
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line.

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception
for higher
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:

Exception
for higher
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

31. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

32. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

33.—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
 - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
 - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or

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(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Clause 1 (r) of the said Act is repealed.

(3) Clause 1 (t) of the said Act is amended,

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

(4) Section 1 of the said Act is amended by adding thereto the following clause:

- (ta) “review board” means the review board appointed under section 30.

(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.

(6) The said Act is amended by adding thereto the following section:

Child as
informal
patient

8a.—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application
deemed
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

8b. Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or
voluntary
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.

(25) The said Act is further amended by adding thereto the following section:

Patient access
to clinical
record

29a.—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient's own expense the clinical record of the patient's observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of
officer in
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application
to review
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

(a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or

(b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure
R.S.O. 1980,
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of
correction

- (a) request correction of the information in it where the patient believes there is an error or omission in it;
- (b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and
- (c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application
for review of
patient
determined
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where
patient not
mentally
competent,
etc.

Application
of
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Review
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re
competence
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,
c. 234

Notice of
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

32. Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing
deemed
abandoned

(33) The said Act is further amended by adding thereto the following section:

32a.—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of
certificate for
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

Renewal of
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal
deemed a
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment
of time and
place for
hearing

33b.—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing
within seven
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of
board

33c.—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Opinion
substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

Written
reasons

(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient.

Party may
examine
clinical
record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient.

Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party.

Idem

(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line and in the eighth line.

(40) Subsection 33e (2) of the said Act is amended by striking out “regional” in the first line, in the second line and in the fifth line.

(41) Subsection 33e (3) of the said Act is amended by striking out “regional” in the first line.

(42) Subsection 33e (4) of the said Act is amended by striking out “regional” in the third line.

(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line.

(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:

Time for appeal	(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.
Time for answer	(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.
Exception	(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).
Extension of discontinued certificate	(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.
Extension of certificate for appeal	(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.
Authority of extension	<p>(1f) An extension of a certificate under subsection (1e) is effective,</p> <ul style="list-style-type: none">(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;(b) until the certificate is rescinded; or(c) until the party appealing withdraws the appeal, <p>whichever first occurs.</p>
Renewal of certificate	(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.
Authority of certificate	(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).
Evidence for extension	(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal. Transcript and record

(46) The said section 33f is further amended by adding thereto the following subsection:

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal. Early date for appeal

(47) Subsection 33f (4) of the said Act is amended by striking out "regional" in the second line.

(48) Subsection 33f (5) of the said Act is amended by striking out "regional" in the third line.

(49) Subsection 33f (6) of the said Act is amended by striking out "regional" in the second line.

(50) Section 34 of the said Act is repealed.

(51) Subsection 35 (2) of the said Act is amended by striking out "majority" in the third line and inserting in lieu thereof "sixteen years" and by striking out "regional" in the sixth line.

(52) Section 35 of the said Act is amended by adding thereto the following subsections:

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application for review of patient determined incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined. Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.

(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:

Criteria for
treatment
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.

(57) Section 35 of the said Act is further amended by adding thereto the following subsections:

Consent of
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

- (b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

(58) The said Act is further amended by adding thereto the following section:

35a.—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

(59) Subsection 43 (1) of the said Act is amended by striking out “chairman of the review board having jurisdiction” in the third and fourth lines and inserting in lieu thereof “review board”.

(60) Subsection 43 (2) of the said Act is amended by striking out “31, 32 and 33” in the second and third lines and inserting in lieu thereof “33, 33a, 33b, 33c, 33d, 33e and 33f”.

(61) Clause 65 (1) (h) of the said Act is amended by striking out “a” in the second line and inserting in lieu thereof “the”.

(62) Clause 65 (1) (i) of the said Act is amended by striking out “review boards and advisory review boards” in the second line and inserting in lieu thereof “the review board”.

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(65) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

34. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability
for spouse

19. Every person whose spouse is a patient is liable for the maintenance of that spouse.

35. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom
application
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

36. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”
defined

- (a) to whom the person is married; or
- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
- (i) have cohabited for at least one year,
- (ii) are together the parents of a child, or
- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications
of applicants

(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.

(4) Section 101 of the said Act is amended,

- (a) by striking out “old age or” in the fourth line; and
- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

38. Clause 1 (n) of the *Municipal Conflict of Interest Act*, 1983, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

39. Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
 - (i) to whom the person is married, or
 - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

40.—(1) Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

- 37. “spouse” means a person of the opposite sex,
 - (a) to whom the person is married, or
 - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”.

41.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse.

Liability
of spouse

42.—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation (11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving spouse to remain after occupant’s death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

43. Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

44. Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

45. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;
or

.

46. Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

47.—(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

48. Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

49. Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

50. Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
 - (i) was married to a deceased partner immediately before the deceased partner died,
 - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
 - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

51. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

52. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a <sup>“spouse”
defined</sup> person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least a year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986, c. 4

53. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

54. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. <sup>“spouse”
defined</sup>

55. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

26. No person under eighteen years of age shall act as a ^{Age limit} private investigator or a security guard.

56. The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

57. Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.

58.—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

59.—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

60. Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception
for higher
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

61. Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

62.—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

63.—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

64. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the *Revised Statutes of Ontario*, 1980, is repealed and the following substituted therefor:

Labour in township in which poll tax is not levied

5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

(3) Subsection 16 (3) of the said Act is repealed.

(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.

(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.

(6) Subsection 19 (2) of the said Act is repealed.

(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the *Revised Statutes of Ontario, 1980*, is repealed and the following substituted therefor:

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the *Revised Statutes of Ontario, 1980*, is repealed and the following substituted therefor:

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education

of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

69. Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
 - (A) had cohabited for at least one year,
 - (B) were together the parents of a child, or
 - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

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Commence-
ment

70.—(1) This Act, except,

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsection 33 (53);
- (e) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (f) subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.


Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.



(4) Subsection 33 (53) comes into force on the 1st day of April, 1987.  Idem

(5) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(6) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(7) Subsections 18 (7), (8), (9), (10), (14) and (15) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

71. The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title

Bill 7

*(Chapter 64
Statutes of Ontario, 1986)*

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

The Hon. I. Scott
Attorney General



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	December 16th, 1986
<i>Royal Assent</i>	December 18th, 1986

Bill 7

1986

**An Act to amend
certain Ontario Statutes
to conform to section 15 of the
Canadian Charter of Rights and Freedoms**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (2) of the *Absentees Act*, being chapter 3 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) The application for the order may be made by,

Application,
who may
make

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged absentee;
- (c) the person to whom the alleged absentee is married;
- (d) the person of the opposite sex with whom the alleged absentee was living in a conjugal relationship outside marriage immediately before the absentee's disappearance;
- (e) a creditor; or
- (f) any other person.

2. Section 10 of the *Apprenticeship and Tradesmen's Qualification Act*, being chapter 24 of the Revised Statutes of Ontario, 1980, is repealed.

3. Subsection 1 (1) of the *Business Corporations Act*, 1982, being chapter 4, is amended by adding thereto the following paragraph:

43a. "spouse" means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

4.—(1) Subsection 10 (4) of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Consent
where
incapacity

(4) Where a person named in an order granting leave under subsection (1) is not able to understand and appreciate the medical nature and consequences of a blood test procedure, consent to the procedure shall be deemed sufficient,

- (a) where the person is a minor, if the person having care and control of the minor consents; or
- (b) where the person is an adult, if the person having care and control of the adult consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.

(2) Clause 52 (1) (a) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

- (a) the child, if the child has a legal obligation to support another person.

(3) Section 57 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "married child" in the first line and inserting in lieu thereof "child who has a legal obligation to support another person".

(4) Subsection 64 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by striking out "spouse" in the first line and inserting in lieu thereof "parent".

5.—(1) Subsection 1 (1) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(fa) "spouse" means,

- (i) a person who was married to the deceased victim immediately before the deceased victim's death,

- (ii) a person of the opposite sex who was living with the deceased victim in a conjugal relationship outside marriage immediately before the death of the deceased victim, or
- (iii) a person whose marriage to the deceased victim was terminated by a decree absolute of divorce or was declared a nullity and to whom the deceased victim was providing support or was under a legal obligation to provide support immediately before the death of the deceased person.

(2) Subsection 1 (2) of the said Act is repealed.

6.—(1) Section 40 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is amended by striking out “and may in like manner be conveyed or assigned by a husband to his wife, or by a wife to her husband, alone or jointly with another person” in the third, fourth and fifth lines.

(2) Sections 48, 49, 50 and 51 of the said Act are amended by striking out “married woman” wherever that expression occurs and by striking out “husband” wherever that word occurs.

7. Subsection 1 (1) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

24a. “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

8. Section 1 of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(e) “spouse” means a person of the opposite sex,

- (i) to whom the deceased was married immediately before his or her death,
- (ii) with whom the deceased was living in a conjugal relationship outside marriage immediately before his or her death, if the deceased and the other person,

- (A) had cohabited for at least one year,
- (B) were together the parents of a child, or
- (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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9.—(1) Subclause 72 (1) (b) (ii) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 72 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (iv) any relative of the person or of a person mentioned in subclause (iii) who, in any such case, has the same home as the person.

10. Clause 1 (1) (r) of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (r) “related person”, where used to indicate a relationship with any person, means,
 - (i) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage,
 - (ii) any son or daughter of the person, or
 - (iii) any relative of the person or of any person mentioned in subclauses (i) and (ii) who has the same home as that person.

11.—(1) Subsection 35 (1) of the *Crown Timber Act*, being chapter 109 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Oath of
examiners

(1) Every examiner, before entering upon the duties of an examiner, shall take and subscribe an oath in the following form:

I, do swear (or solemnly affirm) that I will act as examiner of scalers to the best of my ability and knowledge, and will conduct the examination without fear, favour or affection and recommend for licences only those persons who have satisfactorily proved their fitness to discharge the duties of measuring timber. So help me God. (omit this phrase in an affirmation).

(2) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) Before a scaler's licence or special permit is issued, the applicant shall take an oath in the following form: Scaler's
oath

I, do swear (or solemnly affirm) that while acting as a licensed scaler (or as holder of a special permit), without fear, favour or affection, and to the best of my judgment and skill, I will measure correctly in accordance with the authorized manual of scaling instructions all Crown timber that I am employed to measure, and make true return of the same to the Ministry of Natural Resources or its officer or agent. So help me God. (omit this phrase in an affirmation).

12.—(1) Subsection 10 (2) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 64 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section and in sections 65 and 66, "public school electors" in respect of territory without municipal organization means, Public
school
electors

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens and of the full age of eighteen years and who are not separate school supporters.

(3) Paragraph 3 of the declaration set out in subsection 65 (7) of the said Act is repealed and the following substituted therefor:

3. I am a Canadian citizen.

(4) Clause 95 (a) of the said Act is repealed and the following substituted therefor:

(a) is a Canadian citizen.

(5) Subsection 97 (6) of the said Act is amended by striking out “or other British subject” in the second and third lines.

13. Section 22 of the *Election Act, 1984*, being chapter 54, is amended by adding thereto the following subsection:

“spouse”
defined

(3) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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14.—(1) Section 24 of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, is repealed.

Authoriza-
tions nullified

(2) Any authorization granted by the Director of Employment Standards under section 24 of the said Act before the coming into force of this Act is nullified.

15.—(1) Section 1 of the *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (c) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (d) “surviving spouse” means a person who was the person’s spouse at the time of his or her death.

(2) Section 5 of the said Act is repealed and the following substituted therefor:

Disposal of
exempted
goods after
death of
debtor

5.—(1) After the death of the debtor, chattels exempt from seizure are exempt from the claims of creditors of the debtor.

(2) A surviving spouse is entitled to retain the chattels ^{Idem} exempt from seizure for the benefit of the surviving spouse and the debtor's family.

(3) If there is no surviving spouse, the family of the debtor ^{Idem} is entitled to the chattels exempt from seizure for its own benefit.

(3) Section 6 of the said Act is amended by striking out "his widow or" in the first line and inserting in lieu thereof "the surviving spouse or the debtor's".

16. Section 7 of the *Forest Fires Prevention Act*, being chapter 173 of the Revised Statutes of Ontario, 1980, is amended by striking out "any male person between the ages of eighteen and sixty years" in the third and fourth lines and inserting in lieu thereof "every able person over the age of eighteen".

17. Section 13 of the *Fraudulent Debtors Arrest Act*, being chapter 177 of the Revised Statutes of Ontario, 1980, is repealed.

18.—(1) Section 1 of the *Human Rights Code, 1981*, being chapter 53, is amended by inserting after "sex" in the fourth line "sexual orientation".

(2) Subsection 2 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(3) Section 3 of the said Act is amended by inserting after "sex" in the third line "sexual orientation".

(4) The said Act is amended by adding thereto the following section:

3a.—(1) Every sixteen or seventeen year old person who has withdrawn from parental control has a right to equal treatment with respect to occupancy of and contracting for accommodation without discrimination because the person is less than eighteen years old. ^{Accommodation of person under eighteen}

(2) A contract for accommodation entered into by a sixteen ^{Idem} or seventeen year old person who has withdrawn from parental control is enforceable against that person as if the person were eighteen years old.

(5) Subsection 4 (1) of the said Act is amended by inserting after "sex" in the fourth line "sexual orientation".

(6) Section 5 of the said Act is amended by inserting after “sex” in the fifth line “sexual orientation”.

(7) Section 9 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 39, is further amended by adding thereto the following subsection:

Pregnancy

(2) The right to equal treatment without discrimination because of sex includes the right to equal treatment without discrimination because a woman is or may become pregnant.

(8) Section 10 of the said Act is repealed and the following substituted therefor:

Constructive
discrimina-
tion

10.—(1) A right of a person under Part I is infringed where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination and of whom the person is a member, except where,

- (a) the requirement, qualification or factor is reasonable and *bona fide* in the circumstances; or
- (b) it is declared in this Act, other than in section 16, that to discriminate because of such ground is not an infringement of a right.

Idem

(2) The Commission, a board of inquiry or a court shall not find that a requirement, qualification or factor is reasonable and *bona fide* in the circumstances unless it is satisfied that the needs of the group of which the person is a member cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any.

Idem

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship.

(9) Subsection 16 (1) of the said Act is repealed and the following substituted therefor:

Handicap

(1) A right of a person under this Act is not infringed for the reason only that the person is incapable of performing or fulfilling the essential duties or requirements attending the exercise of the right because of handicap.

(10) Section 16 of the said Act is amended by adding thereto the following subsections:

(1a) The Commission, a board of inquiry or a court shall not find a person incapable unless it is satisfied that the needs of the person cannot be accommodated without undue hardship on the person responsible for accommodating those needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(1b) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(11) Subsection 16 (2) of the said Act is amended by striking out “the provision of access or amenities or as to” in the fifth and sixth lines.

(12) Subsection 19 (2) of the said Act is repealed.

(13) Subsection 20 (3) of the said Act is repealed.

(14) Subsection 20 (4) of the said Act is repealed.

(15) Section 23 of the said Act is amended by adding thereto the following subsections:

(2) The Commission, a board of inquiry or a court shall not find that a qualification under clause (1) (b) is reasonable and *bona fide* unless it is satisfied that the circumstances of the person cannot be accommodated without undue hardship on the person responsible for accommodating those circumstances considering the cost, outside sources of funding, if any, and health and safety requirements, if any. Reasonable accommodation

(3) The Commission, a board of inquiry or a court shall consider any standards prescribed by the regulations for assessing what is undue hardship. Idem

(16) Subsections 40 (2) and (3) of the said Act are repealed.

(17) Clause 47 (a) of the said Act is repealed and the following substituted therefor:

(a) prescribing standards for assessing what is undue hardship for the purposes of section 10, 16 or 23.

19.—(1) Subsection 3 (1) of the *Human Tissue Gift Act*, being chapter 210 of the Revised Statutes of Ontario, 1980, is

amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(2) Subsection 3 (2) of the said Act is amended by striking out “majority” in the second line and in the seventh line and inserting in lieu thereof in each instance “sixteen years”.

(3) Subsection 4 (1) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(4) Subsection 4 (2) of the said Act is amended by striking out “majority” in the second line and in the fifth line and inserting in lieu thereof in each instance “sixteen years”.

(5) Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

“spouse”
defined

(1) In this section, “spouse” means a person of the opposite sex,

- (a) to whom the person is married; or
- (b) with whom the person is living or, immediately before the person’s death, was living in a conjugal relationship outside marriage, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

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Consent by
spouse, etc.,
for use of
body
after death

(1a) Where a person who has not given or cannot give a consent under section 4 dies, or in the opinion of a physician is incapable of giving a consent by reason of injury or disease and the person’s death is imminent,

- (a) the person’s spouse; or
- (b) if none or if the spouse is not readily available, any one of the person’s children; or
- (c) if none or if none is readily available, either one of the person’s parents; or
- (d) if none or if neither is readily available, any one of the person’s brothers or sisters; or

- (e) if none or if none is readily available, any other of the person's next of kin; or
- (f) if none or if none is readily available, the person lawfully in possession of the body other than, where the person died in hospital, the administrative head of the hospital,

may consent,

- (g) in a writing signed by the spouse, relative or other person; or
- (h) orally by the spouse, relative or other person in the presence of at least two witnesses; or
- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person,

to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.

20.—(1) Clause 1 (e) of the *Junior Farmer Establishment Act*, being chapter 225 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (e) “family farm” means a farm operated by a junior farmer and one or more of a spouse of the junior farmer and any persons related to the junior farmer through blood relationship or adoption.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

- (ja) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

(3) Clause 12 (1) (a) of the said Act is repealed.

21.—(1) Paragraph 7 of subsection 3 (1) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- 7. Any person of the opposite sex to whom a person mentioned in paragraph 3 is married or with whom

that person is living in a conjugal relationship outside marriage.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Declaration
of unmarried
spouses

(1a) A person who claims to be ineligible under paragraph 7 of subsection (1) because of living in a conjugal relationship outside marriage must file with that claim a joint declaration of spousal status.

(3) Subsection 4 (2) of the said Act is repealed.

(4) Subsection 19 (2) of the said Act is repealed and the following substituted therefor:

Panel
list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll.

Idem

(2a) The name of a person shall not be included on the panel list where the panel list includes the name of any other person of the opposite sex who is married to the person or is living with the person in a conjugal relationship outside marriage.

(5) Section 34 of the said Act is repealed.

22. Subsection 4 (1) of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by inserting after "swear" in the fourth line "(or solemnly affirm)" and by inserting after "God" in the eighth line "(omit this phrase in an affirmation)".

23.—(1) Section 13 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "his race, creed, colour, nationality, ancestry, age, sex or place of origin" in the fifth and sixth lines and inserting in lieu thereof "any ground of discrimination prohibited by the *Human Rights Code*, 1981 or the *Canadian Charter of Rights and Freedoms*".

(2) Section 24 of the said Act is amended by inserting after "swear" in the sixth line "(or solemnly affirm)" and by adding at the end thereof "(omit this phrase in an affirmation)".

(3) Clause 31 (b) of the said Act is amended by adding at the end thereof "and affirmations".

(4) Clause 44 (8) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(5) Clause 48 (b) of the said Act is repealed and the following substituted therefor:

- (b) if it discriminates against any person because of any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*. 1981, c. 53

(6) Subsection 102 (8) of the said Act is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(7) Clause 103 (2) (b) of the said Act is amended by adding at the end thereof “and affirmations”.

(8) Subsection 127 (5) of the said Act is amended by striking out “his race, creed, colour, nationality, ancestry, age, sex or place of origin” in the fifth and sixth lines and inserting in lieu thereof “any ground of discrimination prohibited by the *Human Rights Code, 1981* or the *Canadian Charter of Rights and Freedoms*”.

24.—(1) Section 1 of the *Landlord and Tenant Act*, being chapter 232 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(ca) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 31 (2) of the said Act is amended by striking out “wife, husband” in the seventeenth line and inserting in lieu thereof “spouse”.

(3) Section 105 of the said Act is amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(2) Where a notice of termination given under subsection (1) is contested and the landlord requires possession of residential premises for a spouse or for a child or parent of a spouse, and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(4) Section 107 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 1, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(8) Where the landlord claims that a spouse or a child of the spouse or a parent of the spouse has previously been a *bona fide* occupant of the premises under clause (7) (d) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

(5) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 24, section 2, is further amended by adding thereto the following subsection:

Declaration
for
unmarried
spouse

(5) Where the landlord claims that a spouse or a child of the spouse or parent of the spouse has previously been a *bona fide* occupant of the premises under clause (4) (b) and the landlord is not married to the spouse, the landlord and the spouse shall file with the court a joint declaration of spousal status.

25.—(1) Subsection 14 (2) of the *Law Society Act*, being chapter 233 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 28 (b) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(3) Clause 28 (c) of the said Act is amended by striking out “or other British subjects” in the first and second lines.

(4) Subsection 32 (1) of the said Act is amended by striking out “or other British subject” in the second line.

(5) Subsection 32 (2) of the said Act is repealed and the following substituted therefor:

Transition re
British
subjects

(2) Any member who is not a Canadian citizen on the 1st day of July, 1989 ceases to be a member on that day.

(3) Any person whose membership terminated under subsection (1) or (2) may, upon becoming a Canadian citizen, make application for re-admission as a member and Convocation may re-admit the person. Re-admission

(6) Section 35 of the said Act is amended by striking out “age” in the fourth line.

26. Clause 15 (a) of the *Legal Aid Act*, being chapter 234 of the Revised Statutes of Ontario, 1980, is amended by striking out “or loss of service of a female in consequence of rape” in the second line.

27.—(1) Form 1 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

FORM 1

(Section 58)

OATH OF WITNESSES

Do you solemnly swear (or affirm) that the evidence you shall give to this Committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth. So help you God. (omit this phrase in an affirmation).

(2) Form 2 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(3) Form 3 of the said Act is amended by inserting after “swear” in the second line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

28.—(1) Subsection 11 (6) of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 17, section 1, is repealed and the following substituted therefor:

(6) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of, Exception
for higher
education

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

(2) Subsection 19 (5) of the said Act is repealed and the following substituted therefor:

Exception
for higher
education

(5) For the purposes of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board of Internal Economy.

29. Section 17 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

30.—(1) Subclause 42 (1) (b) (ii) of the *Loan and Trust Corporations Act*, being chapter 249 of the Revised Statutes of Ontario, 1980, is amended by striking out “or” at the end thereof.

(2) Subclause 42 (1) (b) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) any relative of the person,
- (iv) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage, or
- (v) any relative of a person mentioned in subclause (iv) who has the same home as the person.

(3) Clauses 99 (1) (a) and (b) of the said Act are repealed and the following substituted therefor:

- (a) any person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (aa) any son or daughter of the person;
- (b) any relative of the person or of a person mentioned in clause (a), other than a relative mentioned in

clauses (a) and (aa), who has the same home as that person; or

(4) Subclause 191 (1) (a) (ii) of the said Act is amended by striking out “under twenty-one years of age” in the second line.

(5) Subsection 191 (3) of the said Act is amended by adding thereto the following clause:

- (f) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

31. The *Lord’s Day (Ontario) Act*, being chapter 253 of the Revised Statutes of Ontario, 1980, is repealed.

32. Clause 8 (1) (j) of the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, is amended by striking out “the spouse of any such artist” in the fifth line and inserting in lieu thereof “any person who was married to the artist immediately before the artist’s death or any person of the opposite sex who was living with the artist in a conjugal relationship outside marriage immediately before the artist’s death”.

33.—(1) Clause 1 (j) of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (j) “nearest relative” means,
 - (i) a person to whom the person is married, with whom the person is living and who has attained the age of sixteen years and is mentally competent, or
 - (ii) if none or if none is available, a person of the opposite sex with whom the person is living outside marriage in a conjugal relationship and who has attained the age of sixteen years and is mentally competent, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or

1986, c. 4

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*,

- (iii) if none or if none is available, any one of the children who has attained the age of sixteen years and is mentally competent, or
- (iv) if none or if none is available, either of the parents who is mentally competent or the guardian, or
- (v) if none or if none is available, any one of the brothers or sisters who has attained the age of sixteen years and is mentally competent, or
- (vi) if none or if none is available, any other of the next of kin who has attained the age of sixteen years and is mentally competent.

(2) Clause 1 (r) of the said Act is repealed.

(3) Clause 1 (t) of the said Act is amended,

- (a) by striking out “keep” in the first line and inserting in lieu thereof “place”; and
- (b) by inserting after “control” in the first line “when necessary to prevent serious bodily harm to the patient or to another person”.

(4) Section 1 of the said Act is amended by adding thereto the following clause:

- (ta) “review board” means the review board appointed under section 30.

(5) Section 8 of the said Act is amended by inserting after “informal” in the third line “or voluntary”.

(6) The said Act is amended by adding thereto the following section:

Child as
informal
patient

8a.—(1) A child who is twelve years of age or older but less than sixteen years of age, who is an informal patient in a psychiatric facility and who has not so applied within the preceding three months may apply in the prescribed form to the review board to inquire into whether the child needs observation, care and treatment in the psychiatric facility.

(2) Upon the completion of six months after the later of the child's admission to the psychiatric facility as an informal patient or the child's last application under subsection (1), the child shall be deemed to have applied to the review board in the prescribed form pursuant to subsection (1).

Application
deemed
made

(3) In determining whether the child needs observation, care and treatment in the psychiatric facility, the review board shall consider,

Consider-
ations

- (a) whether the child needs observation, care and treatment of a kind that the psychiatric facility can provide;
- (b) whether the child's needs can be adequately met if the child is not an informal patient in the psychiatric facility;
- (c) whether there is an available alternative to the psychiatric facility in which the child's needs could be more appropriately met;
- (d) the child's views and wishes, where they can be reasonably ascertained; and
- (e) any other matter that the review board considers relevant.

(4) The review board by an order in writing may,

Powers of
board

- (a) direct that the child be discharged from the psychiatric facility; or
- (b) confirm that the child may be continued as an informal patient in the psychiatric facility.

(5) Nothing in this section prevents a physician from completing a certificate of involuntary admission in respect of the child.

No limitation

(6) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (1).

Procedure

(7) The said Act is further amended by adding thereto the following section:

8b. Nothing in this Act authorizes a psychiatric facility to detain or to restrain an informal or voluntary patient.

Informal or
voluntary
patient

(8) Clause 9 (5) (b) of the said Act is amended by striking out “120” in the fourth line and inserting in lieu thereof “72”.

(9) Subsection 10 (1) of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(10) Subsection 10 (3) of the said Act is amended by striking out “assessment” in the sixth line and inserting in lieu thereof “examination”.

(11) Section 11 of the said Act is amended by striking out “assessment” in the last line and inserting in lieu thereof “examination”.

(12) Section 12 of the said Act is amended by striking out “assessment” in the first line and in the third line and inserting in lieu thereof in each instance “examination”.

(13) Section 13 of the said Act is amended by inserting after “informal” in the second line “or voluntary”.

(14) Subsection 14 (1) of the said Act is amended,

- (a) in clause (b), by inserting in each instance after “informal” where it appears in the first line and in the sixth line “or voluntary”; and
- (b) in clause (c), by inserting after “informal” in the thirteenth line “or voluntary”.

(15) Subsection 14 (3) of the said Act is amended,

- (a) by striking out “120” in the fourth line and inserting in lieu thereof “72”; and
- (b) by inserting after “informal” in the sixth line “or voluntary”.

(16) Section 14 of the said Act is amended,

- (a) in clause (5) (b), by inserting after “informal” in the second line “or voluntary”;
- (b) in subsection (6), by inserting after “informal” in the second line “or voluntary”; and
- (c) in subsection (7), by inserting after “informal” in the second line “or voluntary”.

(17) Clause 20 (3) (b) of the said Act is amended by striking out “a review board or advisory review board under this Act” in the first and second lines and inserting in lieu thereof “the review board”.

(18) Subsection 29 (1) of the said Act is amended by inserting after “section” in the first line “and in section 29a”.

(19) Subsection 29 (2) of the said Act is amended by inserting after “subsections (3) and (5)” in the first line “and section 29a”.

(20) Subsection 29 (3) of the said Act is amended by striking out “majority” wherever that word appears and inserting in lieu thereof in each instance “sixteen years”.

(21) Section 29 of the said Act is amended by adding thereto the following subsection:

(3a) Where a person who gives a consent under this section claims to be, Consent of spouse

(a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(22) Clause 29 (9) (a) of the said Act is amended by striking out “majority” in the first line and inserting in lieu thereof “sixteen years”.

(23) Clause 29 (9) (b) of the said Act is amended by striking out “majority” in the second line and inserting in lieu thereof “sixteen years”.

(24) Clause 29 (9) (c) of the said Act is amended by striking out “majority” in the fifth line and inserting in lieu thereof “sixteen years”.

(25) The said Act is further amended by adding thereto the following section:

Patient access
to clinical
record

29a.—(1) A patient who has attained the age of sixteen years and is mentally competent is entitled to examine and copy at the patient’s own expense the clinical record of the patient’s observation, examination, assessment, care and treatment in a psychiatric facility or a copy of that record.

Request

(2) A patient seeking to examine or copy a clinical record shall make a request for it in writing to the officer in charge.

Duty of
officer in
charge

(3) Subject to subsection (4), the officer in charge shall allow the patient to examine or copy the clinical record or a copy of it.

Application
to review
board

(4) Within seven days after the patient makes a request to examine or copy the clinical record, the officer in charge, upon the advice of the attending physician, may apply to the review board for authority to withhold all or part of the clinical record.

Notice to
patient

(5) An officer in charge who applies to the review board under subsection (4) shall give to the patient notice in writing of the application and the ground upon which it is based.

Review by
board

(6) Within seven days after receiving an application under subsection (4), the review board shall review the clinical record in the absence of the patient and by order in writing shall direct the officer in charge to allow the patient to examine or copy the clinical record or a copy of it unless the board is of the opinion that disclosure of the clinical record is likely to result in,

(a) serious harm to the treatment or recovery of the patient while in treatment at the psychiatric facility; or

(b) serious physical harm or serious emotional harm to another person.

Submissions

(7) The patient and the attending physician may make submissions to the review board before it makes its decision.

Idem

(8) The review board shall hear any submissions from the attending physician in the absence of the patient.

(9) The review board may hear any submissions from the patient in the absence of the attending physician. Idem

(10) Where the review board is of the opinion that disclosure of a part of the clinical record is likely to have a result mentioned in clause (6) (a) or (b), the review board shall mark or separate that part and exclude it from the application of the order. Severability

(11) Where the review board is of the opinion that a part or all of the clinical record should not be disclosed to the patient, it shall by order in writing permit the officer in charge to not disclose the record or part and it shall specify in the order the ground under which disclosure is refused. Reasons

(12) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f and the *Statutory Powers Procedure Act* do not apply to an application under subsection (4). Procedure
R.S.O. 1980,
c. 484

(13) A patient who is allowed to examine or copy a clinical record is entitled to, Right of
correction

(a) request correction of the information in it where the patient believes there is an error or omission in it;

(b) require that a statement of disagreement be attached to the clinical record reflecting any correction that was requested but not made; and

(c) require that notice of the amendment or statement of disagreement be given to any person or organization to whom the clinical record was disclosed within the year before the amendment was requested or the statement of disagreement was required.

(14) A patient determined to be not mentally competent for the purpose of this section or section 29 may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application
for review of
patient
determined
incompetent

(15) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (14). Idem

(16) Where a patient has not attained the age of sixteen years or is not mentally competent, the patient's nearest relative is entitled to examine and copy the clinical record of the patient's observation, assessment, care and treatment in a psychiatric facility or a copy of that record. Where
patient not
mentally
competent,
etc.

Application
of
subss. (2-13)

(17) Subsections (2) to (13), both inclusive, apply with necessary modifications to the disclosure of the patient's record to the patient's nearest relative mentioned in subsection (16).

(26) Subsections 30 (1), (2), (3) and (4) of the said Act are repealed and the following substituted therefor:

Review
board

(1) There shall be a review board and the Lieutenant Governor in Council shall appoint such number of psychiatrists, barristers and solicitors and persons who are not psychiatrists or barristers and solicitors as it considers appropriate as members of the review board.

Panels

(2) The review board shall sit in panels of three or five members, at least one and not more than two of whom are psychiatrists, at least one and not more than two of whom are barristers and solicitors and at least one of whom is not a psychiatrist or a barrister and solicitor.

Chairmen of
panels

(3) The Lieutenant Governor in Council shall designate from among the members, chairmen and alternate chairmen for the panels.

Assignment
of duties

(4) The Lieutenant Governor in Council shall assign the members to sit on the various panels of the review board and shall designate the psychiatric facilities in respect of which each panel has jurisdiction.

(27) Subsection 30 (5) of the said Act is amended by striking out "a review" in the third line and inserting in lieu thereof "the review".

(28) Section 30a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 66, is amended by adding thereto the following subsections:

Notice re
competence
to patient

(1a) A physician who determines that a patient is not mentally competent to consent to treatment, to examine a clinical record or to manage his estate shall give or transmit a notice in writing of that determination to the patient and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

R.S.O. 1980,
c. 234

Notice of
child's right

(1b) The officer in charge shall give or transmit a notice in writing of the child's right to apply to the review board under section 8a to the child and to the area director for the area, in accordance with the *Legal Aid Act*, in which the psychiatric facility is located.

(29) Subsection 30a (2) of the said Act is amended by inserting after “(1)” in the first line “(1a) or (1b)” and by striking out “regional” in the third line and in the fifth line.

(30) Subsection 31 (1) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the second and third lines and inserting in lieu thereof “review board”.

(31) Subsection 31 (4) of the said Act is amended by striking out “chairman of the regional review board having jurisdiction” in the fourth and fifth lines and inserting in lieu thereof “review board”.

(32) Section 32 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

32. Except as provided in section 32a and subsection 33f (1e), where a hearing is required or an appeal is taken against a certificate of involuntary admission or a certificate of renewal and the time period for the certificate under subsection 14 (4) expires before a decision is rendered, the hearing or appeal shall be deemed to be abandoned whether or not the certificate is renewed.

Hearing
deemed
abandoned

(33) The said Act is further amended by adding thereto the following section:

32a.—(1) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, the patient or the person acting on the patient's behalf files a notice with the review board requesting that the time for conducting or completing a review be extended beyond the time period for the certificate under subsection 14 (4), the review board shall extend the certificate.

Extension of
certificate for
review

(2) An extension of a certificate under subsection (1) is effective,

Authority of
extension

- (a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the board;
- (b) until the certificate is rescinded; or
- (c) until the patient or the person withdraws the request for review,

whichever first occurs.

Renewal of
certificate

(3) Subject to subsection 14 (5), when a patient withdraws a request for review of a certificate, a physician may complete and file a renewal of that certificate.

Authority of
certificate

(4) A renewal of a certificate under subsection (3) is effective for the next period of time provided for under subsection 14 (4).

Notice

(5) Within twenty-four hours after receiving a notice requesting continuance under subsection (1), the review board shall notify the officer in charge of and the attending physician at the psychiatric facility where the patient is detained of the extension of the certificate.

Renewal
deemed a
nullity

(6) Where a certificate of involuntary admission or a certificate of renewal is renewed under subsection 14 (4) after notice has been filed under subsection (1) but before the psychiatric facility where the patient is detained is notified of the extension, the certificate of renewal shall be deemed to be a nullity and the extended certificate remains in effect for the period provided under subsection (1).

(34) Section 33 of the said Act, as re-enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the third line.

(35) Section 33a of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the fourth line.

(36) Section 33b of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Appointment
of time and
place for
hearing

33b.—(1) Where the review board receives notice in writing placing a matter before it for decision, it shall appoint a time and place for and hold a hearing.

Hearing
within seven
days

(2) A hearing under subsection (1) shall begin within seven days after the day that the review board receives written notice requiring a hearing or within such longer period as is agreed to by the parties.

(37) Section 33c of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

Powers of
board

33c.—(1) Within one day after the day that the review board completes a hearing under section 33b, the board shall issue its decision.

(2) In issuing its decision under subsection (1), the board may substitute its opinion for that of the attending physician.

Opinion substituted

(3) The review board shall provide to the parties written reasons for its decision under subsection (1) within two days of making the decision.

Written reasons

(38) Subsection 33d (2) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is repealed and the following substituted therefor:

(2) Subject to subsections 29 (6) and (7), where a party to a proceeding is sixteen years of age or older and mentally competent, the party or the counsel or agent representing the party, or both, is entitled to examine and to copy any clinical record prepared in respect of the patient.

Party may examine clinical record

(3) Subject to subsections 29 (6) and (7), where a party to a proceeding is under the age of sixteen years or is not mentally competent, the counsel or agent representing the party is entitled to examine and to copy any clinical record prepared in respect of the patient.

Idem

(4) Nothing in subsection (3) prevents the counsel or agent representing a party described in subsection (3) from disclosing a clinical record to that party.

Idem

(39) Subsection 33e (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line and in the eighth line.

(40) Subsection 33e (2) of the said Act is amended by striking out “regional” in the first line, in the second line and in the fifth line.

(41) Subsection 33e (3) of the said Act is amended by striking out “regional” in the first line.

(42) Subsection 33e (4) of the said Act is amended by striking out “regional” in the third line.

(43) Subsection 33f (1) of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by striking out “regional” in the first line.

(44) Section 33f of the said Act, as enacted by the Revised Statutes of Ontario, 1980, chapter 262, section 67, is amended by adding thereto the following subsections:

Time for appeal	(1a) The appellant shall file a notice of appeal under subsection (1) with proof of service within ten days after the day the written reasons for decision of the review board are given and shall perfect the appeal within fourteen days after receiving a copy of the record and transcript.
Time for answer	(1b) The respondent shall file an answer with proof of service within seven days after the appeal is perfected.
Exception	(1c) The court may by order extend the time for an appeal or an answer under subsection (1a) or (1b).
Extension of discontinued certificate	(1d) Where an appeal is taken against a decision by the review board to discontinue a certificate of involuntary admission, a certificate of renewal or an extension of a certificate, the certificate shall continue in effect for a period of three clear days following the decision of the review board.
Extension of certificate for appeal	(1e) Where, before a certificate of involuntary admission, a certificate of renewal or an extension of a certificate expires, a party to an appeal applies to the court for an extension of the time for conducting or completing the appeal beyond the time period for the certificate under subsection 14 (4), the court may by order extend the effectiveness of the certificate.
Authority of extension	<p>(1f) An extension of a certificate under subsection (1e) is effective,</p> <ul style="list-style-type: none">(a) for the next period of time provided for renewal of the certificate under subsection 14 (4) or any shorter period set by the court;(b) until the certificate is rescinded; or(c) until the party appealing withdraws the appeal, <p>whichever first occurs.</p>
Renewal of certificate	(1g) Subject to subsection 14 (5), when a patient or a person acting on the patient's behalf withdraws an appeal, a physician may complete and file a renewal of the certificate that was under appeal.
Authority of certificate	(1h) A renewal of a certificate under subsection (1g) is effective for the next period of time provided for under subsection 14 (4).
Evidence for extension	(1i) The court shall not grant an extension of the certificate under subsection (1e) to a party other than the patient or the person acting on the patient's behalf unless the court is satis-

fied that there are reasonable and probable grounds to believe that the patient's condition would justify the completion and filing of a certificate of renewal.

(45) Subsection 33f (2) of the said Act is repealed and the following substituted therefor:

(2) Where a party appeals from a decision or an order of the review board, the review board shall forthwith file in the district court the transcript and record of the proceedings in which its decision was made and the record of the proceedings shall constitute the record in the appeal. Transcript and record

(46) The said section 33f is further amended by adding thereto the following subsection:

(2a) The court shall fix a date for the hearing of an appeal at the earliest date that is compatible with a just disposition of the appeal. Early date for appeal

(47) Subsection 33f (4) of the said Act is amended by striking out “regional” in the second line.

(48) Subsection 33f (5) of the said Act is amended by striking out “regional” in the third line.

(49) Subsection 33f (6) of the said Act is amended by striking out “regional” in the second line.

(50) Section 34 of the said Act is repealed.

(51) Subsection 35 (2) of the said Act is amended by striking out “majority” in the third line and inserting in lieu thereof “sixteen years” and by striking out “regional” in the sixth line.

(52) Section 35 of the said Act is amended by adding thereto the following subsections:

(2a) An involuntary patient determined to be not mentally competent for the purpose of this section may apply in the prescribed form to the review board to inquire into whether the patient is not mentally competent. Application for review of patient determined incompetent

(2b) If an application is made under subsection (2a), the psychiatric treatment proposed under subsection (2) shall not be given until the matter is finally determined. Idem

Idem

(2c) Sections 33, 33a, 33b, 33c, 33d, 33e and 33f apply with necessary modifications to an application under subsection (2a).

(53) Clause 35 (4) (a) of the said Act is repealed and the following substituted therefor:

- (a) an involuntary patient is not mentally competent and there is no relative of the patient from whom consent may be requested to the provision of a specific psychiatric treatment or a specific course of psychiatric treatment of the patient; and

(54) Subsection 35 (4) of the said Act is amended by striking out "regional" in the second last line.

(55) Subsection 35 (5) of the said Act is repealed and the following substituted therefor:

Criteria for
treatment
order

(5) Where the review board is satisfied,

- (a) that the mental condition of the patient will be or is likely to be substantially improved by the specific psychiatric treatment or course of treatment for the providing of which authority is sought; and
- (b) that the mental condition of the patient will not or is not likely to improve without the specific psychiatric treatment or course of treatment,

the board by order may authorize the providing of the psychiatric treatment or course of treatment specified in the application, but the board shall not authorize and no order of the board is or shall be deemed to be authority to perform psychosurgery.

(56) Subsection 35 (6) of the said Act is amended by striking out "regional" in the fourth line.

(57) Section 35 of the said Act is further amended by adding thereto the following subsections:

Consent of
spouse

(7) Where a person who gives a consent under this section claims to be,

- (a) married to the patient; or

(b) a person of the opposite sex with whom the patient is living outside marriage in a conjugal relationship, if the person and the patient,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*, 1986, c. 4

but is not so related, the consent is valid for the purposes of this Act if the person who acted upon it had no reason to believe that the person who gave it was not so related.

(8) Where a party appeals an order authorizing the providing of a specific psychiatric treatment or specific course of psychiatric treatment to a patient, the treatment or course of treatment shall not be provided pending the outcome of the appeal, unless otherwise ordered by a judge of the court appealed to. Treatment pending appeal

(58) The said Act is further amended by adding thereto the following section:

35a.—(1) The use of restraint on a patient shall be clearly documented in the patient's clinical record by the entry of a statement that the patient was restrained, a description of the means of restraint and a description of the behaviour of the patient that required that the patient be restrained or continue to be restrained. Documentation of use of restraint

(2) Where a chemical restraint is used, the entry shall include a statement of the chemical employed, the method of administration and the dosage. Chemical restraint

(59) Subsection 43 (1) of the said Act is amended by striking out "chairman of the review board having jurisdiction" in the third and fourth lines and inserting in lieu thereof "review board".

(60) Subsection 43 (2) of the said Act is amended by striking out "31, 32 and 33" in the second and third lines and inserting in lieu thereof "33, 33a, 33b, 33c, 33d, 33e and 33f".

(61) Clause 65 (1) (h) of the said Act is amended by striking out "a" in the second line and inserting in lieu thereof "the".

(62) Clause 65 (1) (i) of the said Act is amended by striking out “review boards and advisory review boards” in the second line and inserting in lieu thereof “the review board”.

(63) Clause 65 (1) (j) of the said Act is repealed.

(64) Clause 65 (1) (k) of the said Act is amended by striking out “review boards and advisory review boards” in the second and third lines and inserting in lieu thereof “the review board and the co-ordinator”.

(65) Clause 65 (1) (l) of the said Act is amended by striking out “review boards and advisory review boards” in the first and second lines and inserting in lieu thereof “the review board”.

34. Section 19 of the *Mental Hospitals Act*, being chapter 263 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Liability
for spouse

19. Every person whose spouse is a patient is liable for the maintenance of that spouse.

35. Subsection 7 (2) of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

By whom
application
to be made

(2) The application may be made by,

- (a) the Attorney General;
- (b) any one or more of the next of kin of the alleged mentally incompetent person;
- (c) the person to whom the alleged mentally incompetent person is married;
- (d) the person of the opposite sex with whom the alleged mentally incompetent person is living in a conjugal relationship outside marriage;
- (e) a creditor; or
- (f) any other person.

36. Clause 8 (2) (a) of the *Motorized Snow Vehicles Act*, being chapter 301 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) he has attained the full age of sixteen years; and

37.—(1) Section 1 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 50, section 1, is further amended by adding thereto the following subsection:

(2) In this Act, “spouse” means a person of the opposite sex, “spouse”
defined

- (a) to whom the person is married; or

- (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

(2) Subsection 10 (8) of the said Act is repealed and the following substituted therefor:

(8) No person is qualified to be an applicant under this section unless the person is a Canadian citizen and of the full age of eighteen years. Qualifications
of applicants

(3) Subsection 14 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 70, section 23, is amended by striking out “British subjects” in the fifth line and inserting in lieu thereof “Canadian citizens”.

(4) Section 101 of the said Act is amended,

- (a) by striking out “old age or” in the fourth line; and

- (b) by striking out “widows” in the sixth line and inserting in lieu thereof “surviving spouses”.

(5) Paragraph 30 of section 210 of the said Act is amended by striking out “such age as the by-law may prescribe” in the fourth and fifth lines and inserting in lieu thereof “the age of twelve years”.

(6) Subclause 387 (1) (d) (iii) of the said Act is amended by striking out “wife, husband” in the first line and inserting in lieu thereof “spouse”.

38. Clause 1 (n) of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, is repealed and the following substituted therefor:

- (n) “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

39. Section 1 of the *Municipal Elderly Resident’s Assistance Act*, being chapter 307 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (d) “spouse” means a person of the opposite sex,
 - (i) to whom the person is married, or
 - (ii) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (A) have cohabited for at least one year,
 - (B) are together the parents of a child, or
 - (C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

40.—(1) Paragraph 37 of section 1 of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 4, section 1, is repealed and the following substituted therefor:

- 37. “spouse” means a person of the opposite sex,
 - (a) to whom the person is married, or
 - (b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or

- (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act, 1986*.

1986, c. 4

(2) Subsection 6 (1) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 4, section 2, is further amended by striking out “eighteen” in the second line and inserting in lieu thereof “sixteen”.

41.—(1) Subsection 6 (1) of the *Municipal Health Services Act*, being chapter 310 of the Revised Statutes of Ontario, 1980, is amended,

- (a) by striking out “male and female” in the third and fourth lines; and
- (b) by striking out “seventeen” in the fourth line and inserting in lieu thereof “eighteen”.

(2) Subsection 6 (2) of the said Act is repealed and the following substituted therefor:

(2) A person is liable for the payment of the tax in respect of his or her spouse.

Liability
of spouse

42.—(1) Clause 144 (2) (a) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(2) Clause 144 (3) (a) of the said Act is amended by striking out “whose mother is his sole support” in the second and third lines and inserting in lieu thereof “whose parent is a single parent who is the child’s sole support”.

(3) Clause 215a (9) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the sixth and seventh lines and inserting in lieu thereof “occupant’s”.

(4) Clause 215a (9) (c) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “age of the occupant, his” in the fifth line and inserting in lieu thereof “occupant’s”.

(5) Section 215a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by adding thereto the following subsections:

Interpretation (11a) In subsections (11b), (11c) and (12), “surviving spouse” means a person of the opposite sex who was married to the occupant immediately before the occupant’s death or was living with the occupant in a conjugal relationship outside marriage immediately before the occupant’s death.

Surviving spouse to remain after occupant’s death (11b) Where the occupant dies during the term of a lease under subsection (8) or (13) or a renewal thereof and the surviving spouse of the occupant has made a declaration that he or she is a surviving spouse occupying the lands and structures that are the subject-matter of the lease as a principal residence, the surviving spouse may continue to occupy those lands and structures in the occupant’s place.

Deemed termination (11c) Where a declaration is made under subsection (11b), the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

(6) Subsection 215a (12) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 73, section 2, is amended by striking out “occupant’s spouse, as defined in section 14 of the *Family Law Reform Act*” in the third and fourth lines and inserting in lieu thereof “surviving spouse” and by striking out “his” in the sixth line and inserting in lieu thereof “a”.

43. Subsection 1 (1) of the *Non-resident Agricultural Land Interests Registration Act*, being chapter 318 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(g) “spouse” means a person of the opposite sex,

(i) to whom the person is married, or

(ii) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(A) have cohabited for at least one year,

(B) are together the parents of a child, or

(C) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

44. Subparagraph ii of paragraph 29 of section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is repealed.

45. Clauses 26 (5) (f) and (g) of the *Ontario Energy Board Act*, being chapter 332 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (f) a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
- (fa) a son or daughter of the person;
- (g) a relative of the person or of a person mentioned in clause (f), other than a person described in clauses (f) and (fa), who has the same home as the person;
or

46. Subclauses 1 (1) (c) (iv) and (v) of the *Ontario Mineral Exploration Program Act*, being chapter 346 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (iv) any parent, child, brother or sister of that person,
- (v) any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- (vi) any other relative of that person or of a person mentioned in subclause (v) who has the same home as that person.

47.—(1) Section 6 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, is amended by striking out “twelve months” in the second line and inserting in lieu thereof “three years”.

(2) Subsection 7 (3) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 16, section 1, is amended by striking out “twelve months” in the fifth and sixth lines and inserting in lieu thereof “three years”.

48. Subsection 4 (2) of the *Ontario Youth Employment Act*, being chapter 362 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of clause (1) (b), “related person” Interpretation means,

- (a) any parent, son or daughter, brother or sister of the employee;
- (b) any person of the opposite sex to whom the employee is married or with whom the employee is living in a conjugal relationship outside marriage;
- (c) any relative of the employee or of a person mentioned in clause (b), other than a relative mentioned in clauses (a) and (b), who has the same home as the employee; or
- (d) any body corporate of which the employee and any of the persons referred to in clause (a), (b) or (c) or the partner or employer of the employee, either alone or in combination beneficially owns, directly or indirectly, equity shares carrying more than 50 per cent of the voting rights attached to all equity shares of a body corporate for the time being outstanding.

49. Clause 7 (a) of the *Ophthalmic Dispensers Act*, being chapter 364 of the Revised Statutes of Ontario, 1980, is repealed.

50. Clause (c) of paragraph 3 of section 3 of the *Partnerships Act*, being chapter 370 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (c) a person who,
 - (i) was married to a deceased partner immediately before the deceased partner died,
 - (ii) was living with a deceased partner of the opposite sex in a conjugal relationship outside marriage immediately before the deceased partner died, or
 - (iii) is a child of a deceased partner,

and who receives by way of annuity a portion of the profits made in the business in which the deceased partner was a partner is not by reason only of such receipt a partner in the business or liable as such.

51. Clause 8 (c) of the *Pawnbrokers Act*, being chapter 372 of the Revised Statutes of Ontario, 1980, is repealed.

52. Subsection 9 (2) of the *Perpetuities Act*, being chapter 374 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(2) For the purposes of subsection (1), “spouse” means a person of the opposite sex, “spouse”
defined

(a) to whom the person is married; or

(b) with whom the person is living in a conjugal relationship outside marriage, if the two persons,

(i) have cohabited for at least a year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986. 1986, c. 4

53. Subsection 66 (1) of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the fifth line “(or solemnly affirm)” and by inserting after “God” in the thirteenth line “(omit this phrase in an affirmation)”.

54. Section 6 of the *Powers of Attorney Act*, being chapter 386 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) In this section, “spouse” means a person of the opposite sex to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. “spouse”
defined

55. Section 26 of the *Private Investigators and Security Guards Act*, being chapter 390 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

26. No person under eighteen years of age shall act as a private investigator or a security guard. Age limit

56. The *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 11, section 202, is repealed.

57. Subsection 27 (2) of the *Public Lands Act*, being chapter 413 of the Revised Statutes of Ontario, 1980, is amended by striking out “widow” in the fifth line.

58.—(1) Section 1 of the *Public Officers Act*, being chapter 415 of the Revised Statutes of Ontario, 1980, is amended by striking out “British subject by birth or naturalization” in the second line and inserting in lieu thereof “Canadian citizen or permanent resident of Canada”.

(2) Section 4 of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by inserting after “God” in the ninth line “(omit this phrase in an affirmation).”

59.—(1) Subsection 10 (1) of the *Public Service Act*, being chapter 418 of the Revised Statutes of Ontario, 1980, is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

(2) Subsection 10 (2) of the said Act is amended by inserting after “swear” in the sixth line “(or solemnly affirm)” and by adding at the end thereof “(omit this phrase in an affirmation)”.

60. Subsection 20 (11) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Exception
for higher
education

(11) For the purpose of this section, a person who has attained the age of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

(a) a secondary school; or

(b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Board.

61. Subsection 16 (5) of the *Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is repealed.

62.—(1) Clause 3 (5) (c) of the *Retail Business Holidays Act*, being chapter 453 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 5 of the said Act is repealed.

63.—(1) Subparagraph iv of paragraph 2 of subsection 1 (1) of the *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- iv. any relative of that person,
- v. any person of the opposite sex to whom that person is married or with whom that person is living in a conjugal relationship outside marriage, or
- vi. any relative of a person mentioned in subparagraph v who has the same home as that person.

(2) Clause (a) of subparagraph ii of paragraph 21 of subsection 34 (1) of the said Act is amended by striking out “or” at the end thereof.

(3) Clause (b) of subparagraph ii of paragraph 21 of the said subsection 34 (1) is repealed and the following substituted therefor:

- (b) a senior officer or director of the issuer;
- (c) a parent, brother, sister or child of the person mentioned in clause (b); or
- (d) a person of the opposite sex to whom the person mentioned in clause (b) is married or with whom the person is living in a conjugal relationship outside marriage.

(4) Sub-subclause A of subclause 71 (1) (p) (ii) of the said Act is amended by striking out “or” at the end thereof.

(5) Sub-subclause B of the said subclause 71 (1) (p) (ii) is repealed and the following substituted therefor:

- B. a senior officer or director of the issuer,
- C. a parent, brother, sister or child of the person mentioned in sub-subclause B, or
- D. a person of the opposite sex to whom the person mentioned in sub-subclause B is married or with whom the issuer is living in a conjugal relationship outside marriage.

64. Section 35 of the *Settled Estates Act*, being chapter 468 of the Revised Statutes of Ontario, 1980, is repealed.

65.—(1) Section 5 of the *Statute Labour Act*, being chapter 482 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Labour in township in which poll tax is not levied

5. In a township that has not passed a by-law abolishing statute labour, every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not otherwise assessed in the township; and
- (c) has not filed with the clerk a certificate showing that the person has been assessed or performed statute labour elsewhere in Ontario,

is liable to one day of statute labour on the roads and highways in the township.

(2) Subsection 16 (2) of the said Act is repealed and the following substituted therefor:

Qualifications of voters

(2) Every person is entitled to vote in the election of the road commissioners who is of the full age of eighteen years and a landholder in the township or townships, or part or parts thereof, or the locality, for which the election is held.

(3) Subsection 16 (3) of the said Act is repealed.

(4) Section 17 of the said Act is amended by striking out “a British subject and otherwise” in the second line.

(5) Subsection 19 (1) of the said Act is amended by striking out “that you are a British subject” in the fourth and fifth lines of the oath.

(6) Subsection 19 (2) of the said Act is repealed.

(7) Subsection 24 (3) of the said Act is repealed and the following substituted therefor:

Statute labour in unincorporated areas

(3) Where road commissioners have been elected for any unincorporated area, the secretary-treasurer shall enter in the statute labour book the name, date of birth and place of abode of every able person over the age of eighteen who,

- (a) is not exempt from performing statute labour;
- (b) is not assessed for statute labour in the area under subsection (1) or (2); and

- (c) has not filed with the secretary-treasurer a certificate showing that he or she has been assessed or performed statute labour elsewhere in Ontario,

and every such inhabitant is liable to one day of statute labour on the roads in the area.

66. Subsection 54 (1) of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(1) Subject to subsection (3), where a person dies intestate or the executor named in the will refuses to prove the will, administration of the property of the deceased may be committed by the surrogate court having jurisdiction to,

To what persons administration shall be granted

- (a) the person to whom the deceased was married immediately before the death of the deceased or person of the opposite sex with whom the deceased was living in a conjugal relationship outside marriage immediately before the death;
- (b) the next-of-kin of the deceased; or
- (c) the person mentioned in clause (a) and the next-of-kin,

as in the discretion of the court seems best, and, where more persons than one claim the administration as next-of-kin who are equal in degree of kindred to the deceased, or where only one desires the administration as next-of-kin where there are more persons than one of equal kindred, the administration may be committed to such one or more of such next-of-kin as the court thinks fit.

67. Subsection 6 (7) of the *Surveyors Act*, being chapter 492 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(7) No person shall be appointed or elected as a member of the council unless the person is a Canadian citizen or a permanent resident of Canada and a person shall cease to be a member of the council if he or she ceases to be so qualified.

Canadian citizen

68. Subsection 1 (5) of the *Teachers' Superannuation Act*, 1983, being chapter 84, is repealed and the following substituted therefor:

(5) For the purpose of determining entitlement to a survivor allowance under this Act, a person who has attained the age

Exception for higher education

of eighteen years shall be deemed not to have attained that age if since attaining that age the person has been continuously in full time attendance at either or both of,

- (a) a secondary school; or
- (b) for five years following secondary school, a post-secondary educational institution that is recognized as such by the Commission.

69. Subclause 1 (1) (xa) (ii) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is repealed and the following substituted therefor:

- (ii) were not married to each other and,
 - (A) had cohabited for at least one year,
 - (B) were together the parents of a child, or
 - (C) had together entered into a cohabitation agreement under section 53 of the *Family Law Act*, 1986.

1986, c. 4

Commence-
ment

70.—(1) This Act, except,

- (a) sections 28, 60 and 68;
- (b) subsections 12 (2), (3), (4) and (5);
- (c) section 14;
- (d) subsection 33 (53);
- (e) subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67; and
- (f) subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4),

comes into force on the day it receives Royal Assent.

Idem

(2) Sections 28, 60 and 68 come into force on the 1st day of January, 1987.

Idem

(3) Section 14 comes into force on the 1st day of March, 1987.

(4) Subsection 33 (53) comes into force on the 1st day of April, 1987. Idem

(5) Subsections 12 (2), (3), (4) and (5) come into force on the 1st day of July, 1988. Idem

(6) Subsections 25 (2), (3), (4) and (5), subsections 37 (2) and (3), subsection 58 (1), section 61, subsections 65 (2), (3), (4), (5) and (6) and section 67 come into force on the 1st day of July, 1989. Idem

(7) Subsections 18 (8), (9), (10), (11), (15) and (16) and subsections 21 (1), (2), (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

71. The short title of this Act is the *Equality Rights Statute Law Amendment Act, 1986*. Short title

CA20N
XB
-B 56

Bill 8

An Act to provide for French Language Services in the Government of Ontario

The Hon. B. Grandmaître
*Minister responsible for
Francophone Affairs*

1st Reading May 1st, 1986
2nd Reading
3rd Reading
Royal Assent

Projet de loi 8

Loi assurant la prestation de services en français par le gouvernement de l'Ontario

L'honorable B. Grandmaître
*ministre délégué aux
Affaires francophones*

1^{re} lecture 1^{er} mai 1986
2^e lecture
3^e lecture
sanction royale



EXPLANATORY NOTES

The Act entitles the public to communicate with and receive available services from government agencies in French. This will be phased in during a three year period and applies to central or head offices of government agencies and to their local offices in areas designated by the Schedule. It also applies to public service agencies that are designated by the regulations, whether during or after the three year period.

The Act does not apply to municipalities or local boards.

The Act also requires the current public general statutes of Ontario to be translated into French by the end of 1991 and thereafter all the public Bills of the Assembly to be in both languages. Selected regulations would be translated as well.

The Ontario French Language Services Commission is established to recommend improvements in the delivery of French language services and to recommend changes in implementation plans during a three year period. At the end of that time, the Commission is dissolved.

NOTES EXPLICATIVES

Le projet de loi confère au public le droit à l'emploi du français pour communiquer avec les organismes gouvernementaux et pour en recevoir les services. La mise en oeuvre de ces dispositions s'échelonnnera sur une période de trois ans. Elles s'appliquent à l'égard des sièges et des administrations centrales des organismes gouvernementaux ainsi qu'à l'égard des bureaux locaux qui se trouvent dans les régions désignées à l'annexe. Elles s'appliquent également à l'égard des organismes offrant des services publics qui sont désignés par les règlements pendant ou après la période de trois ans.

Le projet de loi ne s'applique pas aux municipalités, ni aux conseils locaux.

Le projet de loi exige également la traduction en français des lois de caractère public et général qui demeurent en vigueur. Ceci doit se faire avant la fin de 1991, et après ce moment les projets de loi de caractère public de l'Assemblée seront présentés et adoptés dans les deux langues. Certains règlements feront également l'objet d'une traduction.

La Commission des services en français de l'Ontario est créée afin de suggérer des améliorations à la prestation des services en français et de recommander des modifications aux projets de mise en oeuvre pendant une période de trois ans. À la fin de cette période, la Commission est dissoute.

Bill 8**1986****An Act to provide for
French Language Services in
the Government of Ontario**

Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

"organisme
gouverne-
mental"

"government agency" means,

- (a) a ministry of the Government of Ontario,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,
- (d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,
cc. 320, 202

Projet de loi 8**1986****Loi assurant la prestation
de services en français par
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;
- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics.

L.R.O. 1980,
chap. 320,
202

but does not include,

(e) a psychiatric facility or residential facility that is administered by a ministry or a college of applied arts and technology, unless the facility or college is designated as a public service agency by the regulations,

(f) a municipality, or a local board as defined in the *Municipal Affairs Act*;

R.S.O. 1980,
c. 303

"service"

"service" means any service or procedure that is provided to the public by a government agency and includes all communications for the purpose.

Provision
of services
in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of
English
or French in
Legislative
Assembly

3.—(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and
Acts of the
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation
of Statutes

4.—(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Translation
of regulations

(2) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers appropriate.

Right to
services in
French

5.—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Sont toutefois exclus :

- e) les établissements psychiatriques et les foyers administrés par un ministère ainsi que les collèges d'arts appliqués et de technologie, sauf ceux qui sont désignés par les règlements en tant qu'organismes offrant des services publics;
- f) les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*.

L.R.O. 1980,
chap. 303

«service» Service ou procédure qu'un organisme gouvernemental fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

2 Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des
services en
français

3 (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'em-
ployer le
français ou
l'anglais à
l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1^{er} janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi
et lois de
l'Assemblée

4 (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction
des lois

(2) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée.

Traduction
des
règlements

5 (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux
services en
français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle
adoption
du par. (1)

Right to
services
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing
practice
protected

6. This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation
of
obligations
of
government
agencies, etc.

7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating non-profit corporations and similar entities, facilities, homes and colleges as public service agencies, for the purpose of the definition of "government agency";
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so.

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

6 La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante

7 Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

8 (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements

- a) désigner des personnes morales à but non lucratif et des organisations semblables, ainsi que des établissements, des foyers, des maisons et des collèges en tant qu'organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire.

Repeal of
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service
agencies;
limited
designation

9.—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and
comment re
exempting
regulation,
etc.

10.—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program
for the
designation
of public
service
agencies

11. The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible
Minister

12.—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

- (2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.
- Abrogation de l'alinéa (1) c)
- 9** (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.
- Désignation restreinte de l'organisme offrant des services publics
- (2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.
- Consentement de l'université
- 10** (1) Le présent article s'applique au règlement :
- Avis et observations touchant le règlement d'exemption, etc.
- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.
- (2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.
- Idem
- (3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables.
- Idem
- 11** Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2).
- Programme visant à la désignation des organismes offrant des services publics
- 12** (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi.
- Ministre

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

Annual
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for
Francophone
Affairs

R.S.O. 1980,
c. 418

13. Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French
language
services
co-ordinators

14.—(1) A French language services co-ordinator shall be appointed for each ministry of the government.

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut :

Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport
annuel

13 Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office
des affaires
francophones
L.R.O. 1980,
chap. 418

14 (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-
nateurs des
services en
français

- Committee (2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.
- Communication (3) Each French language services co-ordinator may communicate directly with his or her deputy minister.
- Deputy minister (4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.
- Ontario French Language Services Commission **15.**—(1) The Ontario French Language Services Commission is established and consists of,
- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
 - (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
 - (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.
- Term of replacement (2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.
- Function of Commission (3) The Commission may,
- (a) review the availability and quality of French language services and make recommendations for their improvement;
 - (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
 - (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones. Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre. Communication

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère. Sous-ministre

15 (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants : Commission des services en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat. Vacance au sein de la Commission

(3) La Commission peut : Fonctions de la Commission

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;
- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;

- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff

R.S.O. 1980,
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

Re-enactment of
s. 15 (3) (d,
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

- (d) recommend changes in the plans of government agencies for the provision of French language services;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommandations

(5) La Commission relève du ministre.

La Commission relève du ministre

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

Personnel

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

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Rapport annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commission est dissoute

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle adoption des alinéas 15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).

Commence-
ment

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *French Language Services Act, 1986*.

16 La présente loi entre en vigueur le jour que le lieutenant-gouverneur fixe par proclamation. Entrée en
vigueur

17 Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*. Titre abrégé

SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Village of Chesterville
County of Essex	City of Windsor Towns of: Belle River and Tecumseh Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All

ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	Le village de Chesterville
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité

District of Kenora	Township of Ignace
District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Kenora	Le canton d'Ignace
District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming	La totalité

Bill 8

An Act to provide for French Language Services in the Government of Ontario

The Hon. B. Grandmaître
*Minister responsible for
Francophone Affairs*

1st Reading May 1st, 1986

2nd Reading July 9th, 1986

3rd Reading

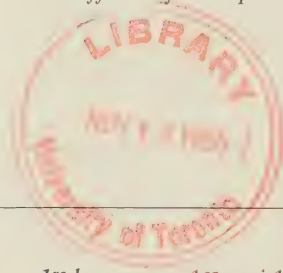
Royal Assent

*(Reprinted as amended by the
Committee of the Whole House)*

Projet de loi 8

Loi assurant la prestation de services en français par le gouvernement de l'Ontario

L'honorable B. Grandmaître
*ministre délégué aux
Affaires francophones*



1^{re} lecture 1^{er} mai 1986

2^e lecture 9 juillet 1986

3^e lecture

sanction royale

*(Réimprimé tel qu'il est modifié par le
comité plénier de l'Assemblée)*

EXPLANATORY NOTES

The Act entitles the public to communicate with and receive available services from government agencies in French. This will be phased in during a three year period and applies to central or head offices of government agencies and to their local offices in areas designated by the Schedule. It also applies to public service agencies that are designated by the regulations, whether during or after the three year period.

The Act does not apply to municipalities or local boards. However, section 16 provides that municipalities may pass by-laws for bilingual services.

The Act also requires the current public general statutes of Ontario to be translated into French by the end of 1991 and thereafter all the public Bills of the Assembly to be in both languages. Selected regulations would be translated as well.

The Ontario French Language Services Commission is established to recommend improvements in the delivery of French language services and to recommend changes in implementation plans during a three year period. At the end of that time, the Commission is dissolved.

NOTES EXPLICATIVES

Le projet de loi confère au public le droit à l'emploi du français pour communiquer avec les organismes gouvernementaux et pour en recevoir les services. La mise en oeuvre de ces dispositions s'échelonnera sur une période de trois ans. Elles s'appliquent à l'égard des sièges et des administrations centrales des organismes gouvernementaux ainsi qu'à l'égard des bureaux locaux qui se trouvent dans les régions désignées à l'annexe. Elles s'appliquent également à l'égard des organismes offrant des services publics qui sont désignés par les règlements pendant ou après la période de trois ans.

Le projet de loi ne s'applique pas aux municipalités, ni aux conseils locaux. L'article 16 prévoit cependant que les municipalités peuvent adopter des règlements en ce qui concerne les services bilingues.

Le projet de loi exige également la traduction en français des lois de caractère public et général qui demeurent en vigueur. Ceci doit se faire avant la fin de 1991, et après ce moment les projets de loi de caractère public de l'Assemblée seront présentés et adoptés dans les deux langues. Certains règlements feront également l'objet d'une traduction.

La Commission des services en français de l'Ontario est créée afin de suggérer des améliorations à la prestation des services en français et de recommander des modifications aux projets de mise en oeuvre pendant une période de trois ans. À la fin de cette période, la Commission est dissoute.

Bill 8

1986

**An Act to provide for
French Language Services in
the Government of Ontario**

Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“organisme
gouverne-
mental”

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

Projet de loi 8

1986

**Loi assurant la prestation
de services en français par
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; attendu que l'Assemblée législative reconnaît l'apport du patrimoine culturel de la population francophone et désire le sauvegarder pour les générations à venir; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions



«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario, sauf que les établissements psychiatriques, les foyers et les collèges d'arts appliqués et de technologie administrés par un ministère ne sont pas inclus, à moins d'être désignés par les règlements en tant qu'organismes offrant des services publics;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les

R.S.O. 1980,
cc. 320, 202


- (d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

- (e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,
c. 122

R.S.O. 1980,
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e). 

"service"

"service" means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision
of services
in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of
English
or French in
Legislative
Assembly

3.—(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.


Bills and
Acts of the
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation
of Statutes

4.—(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment. 

Translation
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers

deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;

- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics; L.R.O. 1980, chap. 320, 202
- e) un fournisseur de services au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* ou une commission au sens de la *Loi sur les commissions de district pour l'administration du bien-être social* qui sont désignés par les règlements en tant qu'organismes offrant des services publics. 1984, chap. 55
L.R.O. 1980, chap. 122

Sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*, à l'exception des conseils locaux qui sont désignés aux termes de l'alinéa e). L.R.O. 1980, chap. 303

«service» Service ou procédure qu'un organisme gouvernemental ou une institution de la Législature fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure. «service»

2 Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi. Prestation des services en français

3 (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative. Droit d'employer le français ou l'anglais à l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1^{er} janvier 1991 sont présentés et adoptés en français et en anglais. Projets de loi et lois de l'Assemblée

4 (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990. Traduction des lois

(2) Le procureur général présente à l'Assemblée législative les traductions visées au paragraphe (1) afin qu'elle les adopte. Adoption

(3) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée et recommande Traduction des règlements

appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to
services in
French

5.—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to
services
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing
practice
protected

6. This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation
of
obligations
of
government
agencies, etc.

7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

les traductions au Conseil des ministres ou à l'autorité compétente afin que le Conseil ou l'autorité les adopte.

5 (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle adoption du par. (1)

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

6 La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante


7 Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

8 (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements



- (a) designating public service agencies for the purpose of the definition of "government agency"; 
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service
agencies;
limited
designation

9.—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and
comment re
exempting
regulation,
etc.

10.—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.



- a) désigner des organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire et si elle ne porte pas atteinte à l'objet général de la présente loi.



(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation de l'alinéa (1) c)

9 (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation restreinte de l'organisme offrant des services publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement de l'université

10 (1) Le présent article s'applique au règlement :

Avis et observations touchant le règlement d'exemption, etc.

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program
for the
designation
of public
service
agencies

11. The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible
Minister

12.—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables. Idem

11 Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2). Programme visant à la désignation des organismes offrant des services publics

12 (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi. Ministre

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut : Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

Annual
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for
Francophone
Affairs
R.S.O. 1980,
c. 418

13. Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French
language
services
co-ordinators
Committee

14.—(1) A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario
French
Language
Services
Commission

15.—(1) The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;

(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport
annuel

13 Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office
des affaires
francophones
L.R.O. 1980,
chap. 418

14 (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-
nateurs des
services en
français

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-
ministre

15 (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission
des services
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au
sein de la
Commission

(3) La Commission peut :

Fonctions de
la Commis-
sion

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;

- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff

R.S.O. 1980,
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;
- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommandations

(5) La Commission relève du ministre.

La Commission relève du ministre

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

Personnel

L.R.O. 1980, chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commission est dissoute

Re-enactment
of
s. 15 (3) (d,
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

(d) recommend changes in the plans of government agencies for the provision of French language services;

(e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).



Municipal
by-laws re
official
languages

16.—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to
services in
English and
French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan
and regional
councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent. 

Short title

18. The short title of this Act is the *French Language Services Act, 1986*.

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle
adoption
des alinéas
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).



16 (1) Le conseil d'une municipalité située dans une région désignée à l'annexe peut adopter un règlement prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues.

Règlements
municipaux
portant sur
les langues
officielles

(2) Lorsqu'un règlement municipal visé au paragraphe (1) est en vigueur, chacun a droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau de la municipalité et pour recevoir les services visés par le règlement.

Droit aux ser-
vices en fran-
çais et en
anglais

(3) Si une région désignée à l'annexe fait partie d'une municipalité régionale ou de communauté urbaine et que le conseil d'une municipalité situé dans la région adopte un règlement en vertu du paragraphe (1), le conseil de la municipalité régionale ou de communauté urbaine peut également adopter un tel règlement en ce qui concerne son administration et ses services.

Conseils
régionaux et
de commu-
nauté
urbaine

17 La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en
vigueur

18 Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*.

Titre abrégé

SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	<u>Township of Winchester</u>
County of Essex	City of Windsor
	Towns of: Belle River and Tecumseh
	Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	<u>Le canton de Winchester</u>
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité
District de Kenora	Le canton d'Ignace

District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming	La totalité

Bill 8

(Chapter 45
Statutes of Ontario, 1986)

An Act to provide for
French Language Services in
the Government of Ontario

The Hon. B. Grandmaître
*Minister responsible for
Francophone Affairs*

1st Reading	May 1st, 1986
2nd Reading	July 9th, 1986
3rd Reading	November 18th, 1986
Royal Assent	November 18th, 1986

Projet de loi 8

(Chapitre 45
Lois de l'Ontario de 1986)

Loi assurant la prestation
de services en français par
le gouvernement de l'Ontario

L'honorable B. Grandmaître
*ministre délégué aux
Affaires francophones*

1 ^{re} lecture	1 ^{er} mai 1986
2 ^e lecture	9 juillet 1986
3 ^e lecture	18 novembre 1986
sanction royale	18 novembre 1986

Bill 8**1986****An Act to provide for
French Language Services in
the Government of Ontario****Preamble**

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions**1. In this Act,**

“organisme
gouverne-
mental”

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

Projet de loi 8**1986****Loi assurant la prestation
de services en français par
le gouvernement de l'Ontario**

Attendu que la langue française a joué en Ontario un rôle historique et honorable, et que la Constitution lui reconnaît le statut de langue officielle au Canada; attendu que cette langue jouit, en Ontario, du statut de langue officielle devant les tribunaux et dans l'éducation; attendu que l'Assemblée législative reconnaît l'apport du patrimoine culturel de la population francophone et désire le sauvegarder pour les générations à venir; et attendu qu'il est souhaitable de garantir l'emploi de la langue française dans les institutions de la Législature et du gouvernement de l'Ontario, comme le prévoit la présente loi;

Préambule

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 Les définitions qui suivent s'appliquent à la présente loi.

Définitions

«organisme gouvernemental» S'entend des organismes suivants :

«government agency»

- a) un ministère du gouvernement de l'Ontario, sauf que les établissements psychiatriques, les foyers et les collèges d'arts appliqués et de technologie administrés par un ministère ne sont pas inclus, à moins d'être désignés par les règlements en tant qu'organismes offrant des services publics;
- b) un conseil, une commission ou une personne morale dont la majorité des membres ou des administrateurs sont nommés par le lieutenant-gouverneur en conseil;
- c) une personne morale à but non lucratif ou une organisation semblable, qui fournit un service au public, reçoit des subventions qui sont prélevées sur les

R.S.O. 1980,
cc. 320, 202

(d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

(e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,
c. 122

R.S.O. 1980,
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e).

“service”

“service” means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision
of services
in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of
English
or French in
Legislative
Assembly

3.—(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and
Acts of the
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation
of Statutes

4.—(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment.

Translation
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers

deniers publics, et est désignée par les règlements en tant qu'organisme offrant des services publics;

- d) une maison de soins infirmiers au sens de la *Loi sur les maisons de soins infirmiers* ou un foyer de soins spéciaux au sens de la *Loi sur les foyers de soins spéciaux* qui sont désignés par les règlements en tant qu'organismes offrant des services publics; L.R.O. 1980, chap. 320, 202
- e) un fournisseur de services au sens de la *Loi de 1984 sur les services à l'enfance et à la famille* ou une commission au sens de la *Loi sur les commissions de district pour l'administration de l'aide sociale* qui sont désignés par les règlements en tant qu'organismes offrant des services publics. 1984, chap. 55
L.R.O. 1980, chap. 122

Sont exclus les municipalités, de même que les conseils locaux au sens de la *Loi sur les affaires municipales*, à l'exception des conseils locaux qui sont désignés aux termes de l'alinéa e).

L.R.O. 1980, chap. 303

«service» Service ou procédure qu'un organisme gouvernemental ou une institution de la Législature fournit au public. S'entend en outre des communications faites en vue de fournir le service ou la procédure.

«service»

2 Le gouvernement de l'Ontario assure la prestation des services en français conformément à la présente loi.

Prestation des services en français

3 (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et les autres travaux de l'Assemblée législative.

Droit d'employer le français ou l'anglais à l'Assemblée

(2) Les projets de loi de caractère public de l'Assemblée qui sont présentés après le 1^{er} janvier 1991 sont présentés et adoptés en français et en anglais.

Projets de loi et lois de l'Assemblée

4 (1) Le procureur général fait traduire en français, avant le 31 décembre 1991, un recueil, mis à jour, des lois de caractère public et général qui ont été adoptées de nouveau au moyen des Lois refondues de l'Ontario de 1980 ou qui ont été adoptées en anglais seulement après l'entrée en vigueur des Lois refondues de l'Ontario de 1980, et qui demeurent en vigueur le 31 décembre 1990.

Traduction des lois

(2) Le procureur général présente à l'Assemblée législative les traductions visées au paragraphe (1) afin qu'elle les adopte.

Adoption

(3) Le procureur général fait traduire en français les règlements dont il estime la traduction appropriée et recommande

Traduction des règlements

appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to
services in
French

5.—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to
services
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing
practice
protected

6. This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation
of
obligations
of
government
agencies, etc.

7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

les traductions au Conseil des ministres ou à l'autorité compétente afin que le Conseil ou l'autorité les adopte.

5 (1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature désignés par les règlements et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(2) Le paragraphe (1) est abrogé trois ans après son entrée en vigueur et remplacé par ce qui suit :

Nouvelle adoption du par. 5 (1)

(1) Chacun a droit à l'emploi du français, conformément à la présente loi, pour communiquer avec le siège ou l'administration centrale d'un organisme gouvernemental ou d'une institution de la Législature et pour en recevoir les services. Chacun jouit du même droit à l'égard de tout autre bureau de l'organisme ou de l'institution qui se trouve dans une région désignée à l'annexe ou qui sert une telle région.

Droit aux services en français

(3) Lorsque le même service est fourni par plus d'un bureau dans une région désignée, le lieutenant-gouverneur en conseil peut désigner un ou plusieurs des bureaux afin qu'ils fournissent le service en français, s'il est d'avis que le public de la région désignée bénéficiera ainsi d'un accès raisonnable au service en français.

Duplication des services

(4) Si un ou plusieurs bureaux sont désignés en vertu du paragraphe (3), le paragraphe (1) ne s'applique pas à l'égard du service offert par les autres bureaux de la région désignée.

Idem

6 La présente loi n'a pour effet de porter atteinte à l'utilisation ni de la langue française ni de la langue anglaise hors du champ d'application de la présente loi.

Pratique existante

7 Si toutes les mesures raisonnables ont été prises et que tous les projets raisonnables ont été élaborés afin de faire respecter la présente loi, les obligations qu'elle impose aux organismes gouvernementaux et aux institutions de la Législature sont assujetties aux limitations raisonnables et nécessaires qu'exigent les circonstances.

Limitation des obligations

8 (1) Le lieutenant-gouverneur en conseil peut, par règlement :

Règlements

- (a) designating public service agencies for the purpose of the definition of "government agency";
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service
agencies;
limited
designation

9.—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and
comment re
exempting
regulation,
etc.

10.—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

- a) désigner des organismes offrant des services publics, aux fins de la définition du terme «organisme gouvernemental»;
- b) modifier l'annexe en y ajoutant des régions;
- c) désigner des organismes gouvernementaux et des institutions de la Législature pour l'application du paragraphe 5 (1);
- d) exempter des services de l'application des articles 2 et 5 si, de l'avis du lieutenant-gouverneur en conseil, cette mesure s'avère raisonnable et nécessaire et si elle ne porte pas atteinte à l'objet général de la présente loi.

(2) L'alinéa (1) c) est abrogé trois ans après l'entrée en vigueur de la présente loi.

Abrogation
de l'alinéa
8 (1) c)

9 (1) Le règlement qui désigne un organisme offrant des services publics peut restreindre le champ d'application de la désignation de sorte que celle-ci ne porte que sur des services précis que fournit l'organisme, ou préciser les services qui sont exclus de la désignation.

Désignation
restreinte de
l'organisme
offrant des
services
publics

(2) Le règlement pris en application de la présente loi et qui s'applique à une université n'entre pas en vigueur sans le consentement de l'université.

Consentement
de
l'université

10 (1) Le présent article s'applique au règlement :

Avis et obser-
vations tou-
chant le
règlement
d'exemption,
etc.

- a) visant à exempter un service aux termes de l'alinéa 8 (1) d);
- b) visant à révoquer la désignation d'un organisme offrant des services publics;
- c) visant à modifier un règlement qui désigne un organisme offrant des services publics de manière à exclure ou à soustraire un service de la portée de la désignation.

(2) Le règlement visé au présent article ne peut être pris qu'après l'écoulement d'un délai d'au moins quarante-cinq jours suivant la publication, dans la *Gazette de l'Ontario* et dans un journal généralement lu en Ontario, d'un avis énonçant la substance du règlement proposé et invitant le public à adresser ses observations au ministre délégué aux Affaires francophones.

Idem

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program
for the
designation
of public
service
agencies

11. The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible
Minister

12.—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

(3) Après l'expiration du délai de quarante-cinq jours, le lieutenant-gouverneur en conseil peut prendre sans avis additionnel le règlement qui comporte, le cas échéant, les changements jugés souhaitables. Idem

11 Le lieutenant-gouverneur en conseil met sur pied un programme visant à encourager les personnes morales à but non lucratif et les organisations semblables à donner leur consentement à leur désignation en tant qu'organismes offrant des services publics avant l'entrée en vigueur du paragraphe 5 (1) tel qu'il est adopté de nouveau par le paragraphe 5 (2). Programme visant à la désignation des organismes offrant des services publics

12 (1) Le ministre délégué aux Affaires francophones est chargé de l'application de la présente loi. Ministre

(2) Le ministre élabore et coordonne la politique et les programmes du gouvernement en ce qui concerne les affaires francophones et la prestation des services en français. À ces fins, il peut : Fonctions

- a) préparer et recommander les projets, les politiques et les priorités du gouvernement en ce qui concerne la prestation des services en français;
- b) coordonner, contrôler et surveiller la mise sur pied des programmes du gouvernement visant à la prestation des services en français par les organismes gouvernementaux et des programmes concernant l'emploi de la langue française;
- c) formuler des recommandations relativement au financement des programmes du gouvernement visant à la prestation des services en français;
- d) faire enquête sur les plaintes des membres du public en ce qui concerne la prestation des services en français et répondre à ces plaintes;
- e) exiger que des projets gouvernementaux visant à la mise en oeuvre de la présente loi soient élaborés et présentés et impartir des délais relatifs à leur élaboration et à leur présentation;
- f) renvoyer des questions devant la Commission des services en français de l'Ontario afin qu'elle fasse rapport et formule des recommandations dans les délais qu'il précise.

Le ministre remplit également les fonctions qui lui sont assignées par décret ou par une autre loi.

Annual
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for
Francophone
Affairs
R.S.O. 1980,
c. 418

13. Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French
language
services
co-ordinators
Committee

14.—(1) A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario
French
Language
Services
Commission

15.—(1) The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;

(3) À la fin de chaque exercice, le ministre présente au lieutenant-gouverneur en conseil un rapport sur les affaires de l'Office des affaires francophones. Il dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la prochaine session.

Rapport
annuel

13 Les employés qui sont jugés nécessaires pour remplir les fonctions du ministre sont nommés en vertu de la *Loi sur la fonction publique*. L'ensemble de ces employés constitue l'Office des affaires francophones.

Office
des affaires
francophones
L.R.O. 1980,
chap. 418

14 (1) Un coordonnateur des services en français est nommé au sein de chaque ministère du gouvernement.

Coordon-
nateurs des
services en
français

(2) Les coordonnateurs des services en français constituent un comité que préside le fonctionnaire principal de l'Office des affaires francophones.

Comité

(3) Chaque coordonnateur des services en français peut communiquer directement avec son sous-ministre.

Communi-
cation

(4) Chaque sous-ministre rend compte au Conseil des ministres de la mise en oeuvre de la présente loi et de la qualité des services en français dans le ministère.

Sous-
ministre

15 (1) La Commission des services en français de l'Ontario est créée. Elle se compose des membres suivants :

Commission
des services
en français

- a) le président, qui est membre à temps plein, nommé par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- b) quatre membres à temps partiel, qui sont nommés par le lieutenant-gouverneur en conseil pour un mandat de trois ans;
- c) le fonctionnaire principal de l'Office des affaires francophones, qui est membre d'office, mais n'a pas droit de vote.

(2) Si le poste du président ou d'un membre à temps partiel devient vacant, un remplaçant est nommé pour le reste de la durée du mandat.

Vacance au
sein de la
Commission

(3) La Commission peut :

Fonctions de
la Commis-
sion

- a) examiner la disponibilité et la qualité des services en français et faire des recommandations en vue de leur amélioration;

- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff
R.S.O. 1980,
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

- b) recommander la désignation des organismes offrant des services publics et l'ajout à l'annexe de régions désignées;
- c) exiger que des personnes morales à but non lucratif et des organisations semblables ainsi que des établissements, des foyers, des maisons et des collèges visés à la définition du terme «organisme gouvernemental» lui fournissent des renseignements qui peuvent être pertinents en ce qui concerne la formulation de recommandations au sujet de leur désignation en tant qu'organismes offrant des services publics;
- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français et informer le public des projets et de ses recommandations;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d) et informer le public de ces recommandations.

La Commission remplit également les fonctions qui lui sont assignées par le ministre délégué aux Affaires francophones, le Conseil des ministres ou l'Assemblée législative.

(4) Lorsqu'une décision est prise aux termes de la présente loi, il est tenu compte des recommandations pertinentes de la Commission. Ces recommandations constituent une preuve admissible lors d'une instance.

Recommandations

(5) La Commission relève du ministre.

La Commission relève du ministre
Personnel

(6) Les employés qui sont jugés nécessaires pour remplir les fonctions de la Commission sont nommés en vertu de la *Loi sur la fonction publique*.

L.R.O. 1980,
chap. 418

(7) À la fin de chaque exercice, la Commission présente au président de l'Assemblée législative son rapport annuel. Le président dépose ensuite le rapport devant l'Assemblée si elle siège, sinon, à la session suivante.

Rapport annuel

(8) La Commission est dissoute trois ans après l'entrée en vigueur du présent article. À partir de cette dissolution, les fonctions de la Commission visées au paragraphe (3) sont remplies par l'Office des affaires francophones.

La Commission est dissoute

Re-enactment
of
s. 15 (3) (d,
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

- (d) recommend changes in the plans of government agencies for the provision of French language services;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

Municipal
by-laws re
official
languages

16.—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to
services in
English and
French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan
and regional
councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *French Language Services Act, 1986*.

(9) Les alinéas (3) d) et e) sont abrogés trois ans après l'entrée en vigueur du présent article et remplacés par ce qui suit :

Nouvelle
adoption
des alinéas
15 (3) d), e)

- d) recommander des modifications aux projets des organismes gouvernementaux en ce qui concerne la prestation des services en français;
- e) faire des recommandations en ce qui concerne l'exemption ou l'exemption proposée d'un service aux termes de l'alinéa 8 (1) d).

16 (1) Le conseil d'une municipalité située dans une région désignée à l'annexe peut adopter un règlement prévoyant que l'administration de la municipalité se fera en français et en anglais et que les services municipaux au public, ou une partie précisée de ces services, seront fournis dans ces deux langues.

Règlements
municipaux
portant sur
les langues
officielles

(2) Lorsqu'un règlement municipal visé au paragraphe (1) est en vigueur, chacun a droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau de la municipalité et pour recevoir les services visés par le règlement.

Droit aux ser-
vices en fran-
çais et en
anglais

(3) Si une région désignée à l'annexe fait partie d'une municipalité régionale ou de communauté urbaine et que le conseil d'une municipalité situé dans la région adopte un règlement en vertu du paragraphe (1), le conseil de la municipalité régionale ou de communauté urbaine peut également adopter un tel règlement en ce qui concerne son administration et ses services.

Conseils
régionaux et
de commu-
nauté
urbaine

17 La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en
vigueur

18 Le titre abrégé de la présente loi est *Loi de 1986 sur les services en français*.

Titre abrégé

SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Township of Winchester
County of Essex	City of Windsor Towns of: Belle River and Tecumseh Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

ANNEXE

MUNICIPALITÉ OU DISTRICT	RÉGION
Municipalité de la communauté urbaine de Toronto	La totalité
Municipalité régionale de Hamilton-Wentworth	La cité de Hamilton
Municipalité régionale de Niagara	Les cités suivantes : Port Colborne et Welland
Municipalité régionale d'Ottawa-Carleton	La totalité
Municipalité régionale de Peel	La cité de Mississauga
Municipalité régionale de Sudbury	La totalité
Comté de Dundas	Le canton de Winchester
Comté d'Essex	La cité de Windsor Les villes suivantes : Belle River et Tecumseh Les cantons suivants : Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West et Rochester
Comté de Glengarry	La totalité
Comté de Kent	La ville de Tilbury Les cantons suivants : Dover et Tilbury East
Comté de Prescott	La totalité
Comté de Renfrew	La cité de Pembroke Les cantons suivants : Stafford et Westmeath
Comté de Russell	La totalité
Comté de Simcoe	La ville de Penetanguishene Les cantons suivants : Tiny et Essa
Comté de Stormont	La totalité
District d'Algoma	La totalité
District de Cochrane	La totalité
District de Kenora	Le canton d'Ignace

District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All

District de Nipissing	La totalité
District de Sudbury	La totalité
District de Thunder Bay	La ville de Geraldton Les cantons suivants : Longlac, Manitouwadge, Marathon, Beardmore, Nakina et Terrace Bay
District de Timiskaming*	La totalité

A20N
B
B 56

Bill 9

An Act to establish the Ministry of Skills Development

The Hon. G. Sorbara
Minister of Skills Development



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The Bill establishes the Ministry of Skills Development. The Ministry's objectives are set out in section 4 of the Bill.

Bill 9

1986

An Act to establish the Ministry of Skills Development

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Deputy Minister” means the Deputy Minister of Skills Development;

“Minister” means the Minister of Skills Development;

“Ministry” means the Ministry of Skills Development.

2. There shall be a ministry of the public service to be known as the Ministry of Skills Development.

Ministry
established

3. The Minister shall preside over and have charge of the Ministry and has power to act for and on behalf of the Ministry.

Minister to
have charge

4.—(1) The Ministry shall develop and implement policies, programs and activities as may be appropriate,

Objectives
of Ministry

- (a) to develop and upgrade skills which will enhance the employability of individuals;
- (b) to contribute to Ontario's economic growth by helping employers achieve their skills development goals;
- (c) to improve access to training and employment opportunities for employed and unemployed individuals, including persons with special needs and targeted groups that encounter particular employment barriers;

- (d) to co-ordinate institutional and on-the-job training programs in order to increase training effectiveness and efficiency; and
- (e) to heighten awareness of and appreciation for the economic and social benefits of improved skills training and employment mobility.

Grants, etc.

(2) The Minister, out of moneys appropriated therefor by the Legislature, may make grants and loans and provide other financial assistance to implement the policies, programs and activities of the Ministry.

Adminis-
tration
of Acts

5. The Minister is responsible for the administration of this Act, the Acts set out in the Schedule and the Acts that are assigned to the Minister by the Legislature or the Lieutenant Governor in Council.

Deputy
Minister

6.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Skills Development who shall be the deputy head of the Ministry.

Idem

(2) The Minister may assign or delegate duties to the Deputy Minister and the Deputy Minister shall perform such duties under the direction of the Minister.

Delegation
of powers
and duties

7.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, the Minister may in writing delegate that power or duty to the Deputy Minister or to any officer or employee of the Ministry, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Contracts
and
agreements
R.S.O. 1980,
c. 147

(2) Notwithstanding the *Executive Council Act*, a contract or an agreement made by a person empowered to do so under a delegation made under subsection (1) has the same effect as if made and signed by the Minister.

Protection
from
personal
liability

8.—(1) No action or other proceeding for damages shall be instituted against the Deputy Minister, any officer or employee of the Ministry or anyone acting under the Deputy Minister's authority for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty.

Crown
liability
R.S.O. 1980,
c. 393

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be

subject, and the Crown is liable under that Act for any such tort as if subsection (1) had not been enacted.

9.—(1) The Minister may require a recipient of financial assistance under this Act to submit to the Minister a statement prepared by a person licensed under the *Public Accountancy Act* that sets out the details of the disposition of the financial assistance by the recipient.

Accounting statement related to financial assistance
R.S.O. 1980, c. 405

(2) Where the Minister requires a statement under subsection (1), the recipient shall arrange for the preparation of the statement forthwith and provide the statement as soon as practicable.

Idem

(3) If a recipient fails to comply with subsection (2) the Minister may, upon request, inspect any document or record relating to financial assistance given by the Ministry.

Inspection of financial records

(4) Where an inspection is being carried out under subsection (3), no person shall prevent the Minister or a person acting under the Minister's authority from seeing a document or record or otherwise interfere with the inspection.

Offence

10.—(1) The Lieutenant Governor in Council may agree to guarantee, guarantee and set the terms for the payment of any loan or loans or any part thereof, together with interest thereon, made to a person pursuant to a Ministry program.

Guarantee of loans

(2) The form and manner of any such guarantee shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario or by such other officer or officers as are designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon according to the terms of the guarantee.

Form of guarantee

(3) Where a guarantee is given under subsection (1), the Lieutenant Governor in Council may authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfill the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Payment of guarantee

Offence

11.—(1) No person shall in respect of a grant, loan or other financial assistance,

- (a) knowingly make a false statement or misrepresentation in an application or other document;
- (b) wilfully furnish any false or misleading information; or
- (c) expend or commit the whole or part of the grant, loan or other financial assistance, for a purpose other than the purpose for which the grant, loan or other financial assistance was given.

Return
of money

(2) Where an offence is committed under subsection (1), the amount of the grant, loan or other financial assistance, together with interest thereon, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

Penalty

12.—(1) Every person who knowingly contravenes subsection 9 (2) or (4) or subsection 11 (1) and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Idem

(2) Notwithstanding subsection (1), where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000.

Seal

13.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction and, when so reproduced, has the same effect as if manually affixed.

References
to Ministers
and
Ministries

14.—(1) A reference to the Minister of Municipal Affairs and Housing and the Minister of Colleges and Universities, as the case may be, in any Act listed in the Schedule or in any regulation, order in council, ministerial order, act or thing made or done under any such Act, shall be deemed to be a reference to the Minister of Skills Development so long as the Minister administers such Act, and a reference therein to the Ministry of Municipal Affairs and Housing and the Ministry of Colleges and Universities shall be deemed to be a reference to the Ministry of Skills Development.

(2) Nothing in this Act invalidates any regulation, ministerial order, act or thing made or done under any Act listed in the Schedule prior to the day this Act receives Royal Assent. Saving

15. The Minister shall in each year submit to the Lieutenant Governor in Council a report of the activities and programs of the Ministry for the preceding fiscal year and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual Report

16. The Lieutenant Governor in Council may by order amend the Schedule. Amendments to Schedule

17. This Act shall be deemed to have come into force on the 1st day of April, 1985. Commencement

18. The short title of this Act is the *Ministry of Skills Development Act, 1986*. Short title

SCHEDULE

Apprenticeship and Tradesmen's Qualification Act

Ontario Youth Employment Act

20N

56

Bill 10

An Act to amend the Labour Relations Act

Mr. Haggerty



1st Reading April 22nd, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism whereby the Lieutenant Governor in Council can order a sixty-day suspension of a strike or lock-out and order a return to work where the strike or lock-out constitutes an immediate and serious danger to life, health or safety or seriously disrupts the economy of the Province or any area of the Province.

The Bill provides that the Minister of Labour must appoint a conciliation officer where an order suspending a strike or lock-out has been made and may subsequently appoint a conciliation board where the efforts of the conciliation officer to effect a collective agreement are unsuccessful.

If conciliation efforts are unsuccessful, the strike or lock-out may be resumed without a further strike vote.

An order made under the Bill would be enforceable as an order of the Supreme Court.

Bill 10

1986

An Act to amend the Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) This section does not apply where an order has been made under subsection 55a (1). Application

2. The said Act is amended by adding thereto the following section:

SUSPENSION OF STRIKES OR LOCK-OUTS

55a.—(1) Where during a strike or lock-out the Lieutenant Governor in Council is of the opinion that the strike or lock-out, Lieutenant Governor in Council may by order suspend a strike or lock-out and order a return to work

- (a) constitutes an immediate and serious danger to life, health or safety; or
- (b) seriously disrupts the economy of the Province or any area of the Province,

the Lieutenant Governor in Council may order,

- (c) a suspension of the strike or lock-out and a return to work for a period not exceeding sixty days in length, commencing on the day next following the date of the order; or
- (d) a suspension of the strike or lock-out in respect of designated facilities and services that the Lieutenant Governor in Council determines are necessary or essential to prevent immediate and serious danger to life, health or safety and a return to work with respect to such facilities and services for a period

not exceeding sixty days in length, commencing on the day next following the date of the order.

Appointment
of concil-
iation officer
and concil-
iation board

(2) Where an order is made under clause (1) (c) or (d), the Minister shall appoint a conciliation officer and may subsequently appoint a conciliation board and sections 18 to 32 apply with necessary modifications to such appointments.

Resumption
of strike
or lock-out

(3) The parties may resume the strike or lock-out when,

- (a) the Minister gives a notice to the parties under clause 19 (b);
- (b) a conciliation board report is released under subsection 32 (5); or
- (c) the order made under subsection (1) expires,

whichever occurs first.

Enforcement
of orders

(4) The Minister may file in the office of the Registrar of the Supreme Court a copy of an order made under subsection (1), in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable by the Minister or by a trade union or employer affected as a judgment or order of that court.

Limitation
on orders

(5) The Lieutenant Governor in Council shall not make an order under subsection (1) more than once in respect of the same dispute.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Labour Relations Amendment Act, 1986*.

A20N

3

56

Bill 11

An Act respecting the Protection of Rental Housing

The Hon. A. Curling
Minister of Housing



1st Reading May 5th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The purpose of the Bill is to prohibit rental residential property from being,

- (a) demolished;
- (b) converted to a condominium;
- (c) converted to a co-operative form of ownership; or
- (d) renovated or repaired if vacant possession of a rental unit would be required,

unless the municipality in which the property is located gives its approval.

The Bill would also prohibit the sale of any interest or share in a co-operative form of ownership of rental residential property if such interest or share grants the exclusive right to possession of any rental unit unless the approval of the municipality has been obtained or the property is exempted by regulation.

The application for approval would be made to the council of the municipality. The procedures and requirements for the processing of the application are set out in section 7.

An appeal from the decision of the council may be made to the Ontario Municipal Board. A party to the Board hearing may further petition to the Lieutenant Governor in Council.

The transitional provisions are set out in section 10.

The Act is repealed on the 15th day May, 1988.

Bill 11

1986

**An Act respecting the
Protection of Rental Housing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means any co-operative form of ownership of rental residential property where the share or interest therein purports to grant the right to exclusive possession or a right of occupancy of a rental unit;

“Minister” means the Minister of Housing;

“municipality” means a city, town, village or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units;

“rental unit” means a self-contained living accommodation used or intended for use as rented residential premises.

2. This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Application
of Act

3. This Act does not apply to a rental residential property,

Exemption
from Act

(a) located in a municipality having a population of less than 25,000 unless by regulation the municipality is designated as having a shortage of rental housing;

(b) owned by a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*; or

R.S.O. 1980,
c. 452

(c) exempted by the regulations.

Prohibition
R.S.O. 1980,
c. 232
1983, c. 1.

4.—(1) Despite section 107 of the *Landlord and Tenant Act* and section 33 of the *Planning Act, 1983*, no rental residential property, or part thereof, shall be,

(a) demolished;

R.S.O. 1980,
c. 84

(b) converted to a condominium under the *Condominium Act*;

(c) converted to a co-operative; or

(d) renovated or repaired if vacant possession of a rental unit would be required,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair or renovation.

Power of
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

Prohibition

5.—(1) No person shall sell or offer to sell any share or interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption
re:
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

Consequences
of
contravention

(3) An agreement or conveyance entered into in contravention of subsection (1) does not create or convey any interest in land.

Prohibition
respecting
notices of
termination

6.—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Consequences
of
contravention

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Restriction
re: writ of
possession

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act

unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be required by the municipality for the purpose of evaluating the application or as may be prescribed by regulation.

Application
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection
and report

(4) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Copy of
report
to tenant

(5) The council may approve the application, with or without conditions relating to the nature of the application, or reject the application and shall base its decision on criteria prescribed by the regulations.

Power of
council

(6) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Information
and public
meeting

(7) The meeting mentioned in subsection (6) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Time for
meeting,
etc.

(8) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provi-

Agreements

R.S.O. 1980,
cc. 445, 230

sions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Notice of
decision

(9) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to
O.M.B.

(10) Where the council refuses or neglects to make a decision on the application within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board and the Board shall hear the appeal and has the same authority as the council under subsection (5).

Appeal of
decision to
O.M.B.

(11) Any person who is not satisfied with the decision of council may, within fifteen days of the making of the decision, appeal to the Ontario Municipal Board and the Board shall hold a hearing.

Full hearing
not required

(12) Despite subsection (11), the Board may, where it is of the opinion that the objection set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall afford the appellant an opportunity to make representations as to the merits of the appeal.

Certificate
that approval
given

(13) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given.

L. G. in C.
may confirm,
vary or
rescind
orders

(14) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any order or decision of the Board, the Lieutenant Governor in Council may,

- (a) confirm, vary or rescind the whole or any part of such order or decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the

Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

(15) Any party who has filed a petition under subsection (14) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

Withdrawal
of petition

(16) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.

When
certificate
of approval
to be issued

8. The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Fees

9. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) designating municipalities having a shortage of rental housing for the purposes of clause 3 (a);
- (b) exempting rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (6), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (13).

10.—(1) If a demolition permit or a building permit has been issued prior to the coming into force of this Act, the

Transition,
demolition

approval of the council of a municipality under clause 4 (1) (a) is not required.

Idem,
condominium
conversion
R.S.O. 1980,
c. 84

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,
co-operative
conversion

(3) If a rental residential property has been partly converted to a co-operative form of ownership, the council, upon the application of an interested person, may by by-law require that interests or shares in the co-operative continue to be offered for sale, under such conditions as may be set out in the by-law, until all such interests or shares have been conveyed.

Offence

11. Every person who contravenes section 4 or 5 of this Act is guilty of an offence and on conviction is liable to a fine not exceeding \$50,000 if a corporation and \$20,000 if an individual.

Repeal

12. This Act is repealed on the 15th day of May, 1988.

Commence-
ment

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Rental Housing Protection Act, 1986*.

CA20N
XB
-B 56

Bill 11

An Act respecting the Protection of Rental Housing

The Hon. A. Curling
Minister of Housing

<i>1st Reading</i>	May 5th, 1986
<i>2nd Reading</i>	July 3rd, 1986
<i>3rd Reading</i>	
<i>Royal Assent</i>	



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is to prohibit rental residential property from being,

- (a) demolished;
- (b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use;
- (c) converted to a co-operative form of ownership;
- (d) renovated or repaired if vacant possession of a rental unit would be required;
or
- (e) severed under section 52 of the *Planning Act, 1983*,

unless the municipality in which the property is located gives its approval.

The Bill would also prohibit the sale of any interest or share in a co-operative form of ownership of rental residential property if such interest or share grants the exclusive right to possession of any rental unit unless the approval of the municipality has been obtained or the property is exempted by regulation.

The application for approval would be made to the council of the municipality. The procedures and requirements for the processing of the application are set out in section 7.

An appeal from the decision of the council may be made to the Ontario Municipal Board. A party to the Board hearing may further petition to the Lieutenant Governor in Council.

The transitional provisions are set out in section 10.

The Act is repealed on the 30th day of June, 1988.

Bill 11

1986

An Act respecting the Protection of Rental Housing

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;



R.S.O. 1980,
c. 452

“Minister” means the Minister of Housing;

“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;

“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house.

Application
of Act

2. This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Exemption
from Act

3. This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

4.—(1) No rental residential property, or part thereof, shall be,

(a) demolished;

(b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;

(c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

(d) severed under section 52 of the *Planning Act, 1983*,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance.

Power of
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,
c. 84

Prohibition

5.—(1) No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption
re:
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.



(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences of contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement



6.—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (13) is attached to the notice.

Prohibition respecting notices of termination

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences of contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction re: writ of possession

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to tenants


(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection and report




(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four


Entry for inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time. 

Copy of
report
made
available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public. 

Power of
council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met. 

Information
and public
meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for
meeting,
etc.


(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Notice of
decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof. 

Appeal to
O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of
decision to
O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with

the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate that approval given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, L. G. in C. may confirm, vary or rescind orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the

Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When
certificate
of approval
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.


Fees

8. The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

9. The Lieutenant Governor in Council may make regulations,



- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act; 
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- ↓
- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of the Act. ↑

↓

10.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply. ↑

Transition
R.S.O. 1980,
c. 51
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,
condominium
conversion
R.S.O. 1980,
c. 84

↓

11. Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

12.—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act, 1986*.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as made by subsection (1), is repealed on the 30th day of June, 1988.

13. This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988. ↑

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. The short title of this Act is the *Rental Housing Protection Act, 1986*.

Short title

CA20N
XB
-B 56

Bill 11

*(Chapter 26
Statutes of Ontario, 1986)*

An Act respecting the Protection of Rental Housing

The Hon. A. Curling
Minister of Housing



<i>1st Reading</i>	May 5th, 1986
<i>2nd Reading</i>	July 3rd, 1986
<i>3rd Reading</i>	July 10th, 1986
<i>Royal Assent</i>	July 10th, 1986

Bill 11**1986**

**An Act respecting the
Protection of Rental Housing**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental residential property other than a condominium, that is,

- (a) owned or leased or otherwise held by or on behalf of more than one person, where any owner or lessee has the right to present or future exclusive possession of a unit in the rental residential property, or
- (b) owned or leased or otherwise held by a corporation having more than one shareholder or member where any one of the shareholders or members, by reason of owning shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental residential property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Tenancies Act*;

R.S.O. 1980,
c. 452

“Minister” means the Minister of Housing;

“municipality” means a city, town, village, improvement district or township;

“regulations” means the regulations made under this Act;

“rental residential property” means a building or related group of buildings containing one or more rental units but does not include a condominium;

“rental unit” means any living accommodation which is used as rented residential premises and includes a room in a boarding house or lodging house.

Application
of Act

2. This Act applies to rental residential property, despite any other Act and despite any agreement or waiver to the contrary.

Exemption
from Act

3. This Act does not apply to a rental residential property exempted by the regulations or located in a municipality that is exempted by the regulations.

Prohibition

4.—(1) No rental residential property, or part thereof, shall be,

(a) demolished;

(b) converted to a condominium, co-operative, hotel, motel, tourist home, inn, apartment hotel, rooming house or any similar use, or any other use for a purpose other than rental residential property;

(c) renovated or repaired if a tenant is in possession of a rental unit and vacant possession of the rental unit would be required or if the rental unit has been vacant for less than one year; or

1983, c. 1

(d) severed under section 52 of the *Planning Act, 1983*,

by any person unless the council of the municipality in which the property is located approves of such demolition, conversion, repair, renovation or severance.

Power of
council

(2) The council of a municipality, in respect of an approval sought under clause (1) (b), shall, in place of the Minister, exercise the powers conferred on the Minister under section 50 of the *Condominium Act* (approval or exemption of descriptions).

R.S.O. 1980,
c. 84

Prohibition

5.—(1) No person shall sell, lease for a term of twenty-one years or more, or enter into an agreement to sell or lease an interest or share in a co-operative or in a corporation owning or leasing any interest in a co-operative unless the approval of the council of the municipality under subsection 4 (1) has first been obtained.

Exemption
re:
transfer

(2) This section does not apply to the transfer of an interest or share in a co-operative that is exempted by the regulations.

(3) An agreement or conveyance entered into in contravention of subsection (1) is void and any amount paid thereunder is recoverable by the purchaser.

Consequences
of
contravention

(4) An instrument or notice respecting the sale, lease or agreement for sale of a share or interest in a co-operative may contain a statement by the vendor that an agreement or conveyance does not contravene this section and such statement is deemed to be sufficient proof that the agreement or conveyance does not contravene this section.

Statement

6.—(1) No landlord shall serve a notice of termination on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has first been obtained and a copy of the certificate under subsection 7 (16) is attached to the notice.

Prohibition
respecting
notices of
termination
R.S.O. 1980,
c. 232

(2) A notice of termination served in contravention of subsection (1) is of no effect.

Consequences
of
contravention

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued by any court in respect of an application under section 107 of the said Act, notwithstanding that the notice of termination was served or application made for a writ of possession prior to the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has first been obtained by the landlord.

Restriction
re: writ of
possession

7.—(1) An application for an approval under this Act shall be made in writing to the clerk of the municipality and shall contain such information as may be prescribed by regulation.

Application
for approval

(2) Notice of the application shall be given by the owner of the residential rental property to each tenant of a rental unit in the rental residential property within five days of the application being made.

Notice to
tenants

(3) The council of the municipality may require an applicant to cause an architect or a professional engineer to make a physical inspection of the rental residential property and to make a report detailing the condition and structural safety of the property or it may require that such an inspection be made and report prepared by its chief building official.

Inspection
and report

(4) For the purposes of an inspection under subsection (3), a person authorized to inspect a rental unit has the right to enter the rental unit during daylight hours upon written notice to the tenant specifying the time of entry at least twenty-four

Entry for
inspection

hours before the time of entry, and a tenant shall permit the entry of such person during that time.

Copy of
report
made
available

(5) A copy of the report referred to in subsection (3) shall be made available by the municipality for inspection by the public.

Power of
council

(6) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed by the regulations are met.

Information
and public
meeting

(7) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in the manner and to the persons prescribed, for the purpose of informing the public in respect of the application.

Time for
meeting,
etc.

(8) The meeting mentioned in subsection (7) shall be held not sooner than fifteen days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Agreements

(9) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980,
cc. 445, 230

Notice of
decision

(10) Written notice of the decision of the council shall be sent to the applicant and to every person who in writing requested to be given notice of the decision within five days of the making thereof.

Appeal to
O.M.B.

(11) Where the council refuses or neglects to make a decision on the application filed in accordance with this Act within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal of
decision to
O.M.B.

(12) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the decision, appeal to the Ontario Municipal Board by filing with

the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection.

(13) If an application respecting a matter set out in section 4 or 5 has been made to the Ontario Municipal Board prior to the coming into force of this Act, this Act applies unless the Board has issued its decision. Transition

(14) The clerk of the municipality, upon receipt of a notice of appeal under subsection (11) or (12), shall compile a record and forward the notice of appeal and the record to the secretary of the Board and shall provide such information or material as the Board may require in respect of the appeal. Record

(15) The Board shall hold a hearing and has the same authority as the council under subsection (6) but if all appeals have been withdrawn prior to the hearing, the decision of the council is final and binding and the secretary of the Board shall notify the clerk of the municipality who in turn shall notify the applicant. Hearing

(16) When an approval has been given under this section by the municipality, the Ontario Municipal Board or the Lieutenant Governor in Council, as the case may be, the clerk of the municipality shall give a certificate in the form prescribed by regulation to the applicant stating that the approval has been given and the certificate is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with, and after the certificate has been given no action may be maintained to question the validity of the approval, but where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled. Certificate
that approval
given

(17) Upon the petition of any party to the hearing filed with the Clerk of the Executive Council within fifteen days after the date of any decision of the Board, the Lieutenant Governor in Council may, L. G. in C.
may confirm,
vary or
rescind
orders

- (a) confirm, vary or rescind the whole or any part of such decision;
- (b) substitute for the decision of the Board such decision as the Lieutenant Governor in Council considers appropriate; or
- (c) require the Board to hold a new public hearing of the whole or any part of the application to the

Board upon which such decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause (c) is not subject to petition under this section.

Withdrawal
of petition

(18) Any party who has filed a petition under subsection (17) may at any time withdraw the petition by filing a notice of withdrawal with the Clerk of the Executive Council.

When
certificate
of approval
to be issued

(19) No certificate of approval shall be issued until the time for all appeals has passed or until all such appeals have been disposed of, whichever is later.

Fees

8. The council of a municipality may by by-law establish fees for the processing of an application made under this Act, which fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental residential property.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) exempting a municipality, or part thereof, from this Act;
- (b) exempting rental units or rental residential properties, or categories thereof, from this Act;
- (c) prescribing the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1);
- (d) prescribing the form and contents of an application under subsection 7 (1);
- (e) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 7 (2);
- (f) prescribing for the purposes of subsection 7 (7), the persons that are to be given notice and the manner in which notice is to be given;
- (g) prescribing the form of the certificate of approval under subsection 7 (16);

- (h) exempting sales of co-operative units, or any category thereof, from any of the provisions of this Act.

10.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained prior to the coming into force of this Act, the approval of council under subsection 4 (1) is not required and section 6 does not apply.

Transition
R.S.O. 1980,
c. 51
1983, c. 1

(2) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion prior to the coming into force of this Act, the approval of the council of a municipality under subsection 4 (1) is not required.

Idem,
condominium
conversion
R.S.O. 1980,
c. 84

11. Every person who contravenes section 4 or 5 or subsection 6 (1) and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention of section 4 or 5 or subsection 6 (1) by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both.

Offence

12.—(1) Subsection 47 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

14. The provision of section 5 of the *Rental Housing Protection Act, 1986*.

1986, c. 26

(2) Paragraph 14 of subsection 47 (1) of the said Act, as enacted by subsection (1), is repealed on the 30th day of June, 1988.

13. This Act, except subsection 12 (2), is repealed on the 30th day of June, 1988.

14. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

15. The short title of this Act is the *Rental Housing Protection Act, 1986*.

Short title

A20N
B
B 56

Bill 12

An Act to amend the Compensation for Victims of Crime Act

The Hon. I. Scott
Attorney General

1st Reading May 6th, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTES

SECTION 1.—Subsection 1. A provision that a Board may hold a hearing *in camera* when the hearing would be prejudicial to the trial of the accused is amended to refer to the criminal proceedings concerning the accused.

Subsection 2. The proposed amendment would provide that a Board may hold a hearing *in camera* when the case before it involves child abuse and the Board believes that it would not be in the interests of the child for the hearing to be public.

SECTION 2. Section 14 provides for the ordering, under certain circumstances, of interim payments in respect of maintenance and medical expenses. The Bill extends those interim payments to funeral expenses as well.

SECTION 3.—Subsection 1. Subsection 17 (2) of the Act provides that the Board may refuse to make an order for compensation if the applicant refused co-operation with or failed to report the offence promptly to a law enforcement agency. The amendment would allow the Board to reduce the amount of compensation in these circumstances as well.

Subsection 2. Subsection 17 (3) of the Act provides that in assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source. The amendment provides that general welfare assistance and family benefits payments are not to be considered.

SECTION 4.—Subsections 1 and 2. The maximum awards for one victim are increased from \$15,000 to \$25,000 for a lump sum award and from \$500 to \$1,000 per month for periodic payments.

Subsections 3 and 4. The maximum awards for one occurrence is increased from \$100,000 to \$150,000 for lump sum payments and from a total of \$175,000 to a total of \$250,000 for periodic payments.

SECTION 5.—Subsection 1. The subrogated claims provision of the Act is amended to allow the Board to bring an action in the name of the Crown to recover the amount paid to its victim.

Subsection 2. Self-explanatory.

Bill 12

1986

**An Act to amend the
Compensation for Victims of Crime Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

.

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

2. Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

3.—(1) Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. ^{Idem}

4.—(1) Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.

(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

5.—(1) Subsection 26 (2) of the said Act is amended by inserting after “of” in the fourth line “Her Majesty in right of Ontario or in the name of”.

(2) Section 26 of the said Act is amended by adding thereto the following subsection:

Person
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

Bill 12

An Act to amend the Compensation for Victims of Crime Act

The Hon. I. Scott
Attorney General



1st Reading May 6th, 1986
2nd Reading October 30th, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1.—Subsection 1. A provision that a Board may hold a hearing *in camera* when the hearing would be prejudicial to the trial of the accused is amended to refer to the criminal proceedings concerning the accused.

Subsection 2. The proposed amendment would provide that a Board may hold a hearing *in camera* when the case before it involves child abuse and the Board believes that it would not be in the interests of the child for the hearing to be public.

SECTION 2. Section 14 provides for the ordering, under certain circumstances, of interim payments in respect of maintenance and medical expenses. The Bill extends those interim payments to funeral expenses as well.

SECTION 3.—Subsection 1. Subsection 17 (2) of the Act provides that the Board may refuse to make an order for compensation if the applicant refused co-operation with or failed to report the offence promptly to a law enforcement agency. The amendment would allow the Board to reduce the amount of compensation in these circumstances as well.

Subsection 2. Subsection 17 (3) of the Act provides that in assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source. The amendment provides that general welfare assistance and family benefits payments are not to be considered.

SECTION 4.—Subsections 1 and 2. The maximum awards for one victim are increased from \$15,000 to \$25,000 for a lump sum award and from \$500 to \$1,000 per month for periodic payments.

Subsections 3 and 4. The maximum awards for one occurrence is increased from \$100,000 to \$150,000 for lump sum payments and from a total of \$175,000 to a total of \$250,000 for periodic payments.

SECTION 5.—Subsection 1. The subrogated claims provision of the Act is amended to allow the Board to bring an action in the name of the Crown to recover the amount paid to its victim.

Subsection 2. Self-explanatory.

Bill 12

1986

**An Act to amend the
Compensation for Victims of Crime Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

.

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

2. Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

3.—(1) Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. ^{Idem}

4.—(1) Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.

(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.


(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.



5.—(1) Section 26 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister. 

(2) Section 26 of the said Act is further amended by adding thereto the following subsection:

Person
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

Bill 12

*(Chapter 37
Statutes of Ontario, 1986)*

An Act to amend the Compensation for Victims of Crime Act

The Hon. I. Scott
Attorney General

<i>1st Reading</i>	May 6th, 1986
<i>2nd Reading</i>	October 30th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986



Bill 12

1986

**An Act to amend the
Compensation for Victims of Crime Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 12 (a) of the *Compensation for Victims of Crime Act*, being chapter 82 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) would be prejudicial to the final disposition of the criminal proceedings against the person whose act or omission caused the injury or death; or

(2) Clause 12 (b) of the said Act is amended by adding at the end thereof “or child abuse”.

2. Section 14 of the said Act is amended by striking out “and medical expenses” in the sixth and seventh lines and inserting in lieu thereof “medical expenses and funeral expenses”.

3.—(1) Subsection 17 (2) of the said Act is amended by inserting after “compensation” in the second line “or order a reduced amount of compensation”.

(2) Subsection 17 (3) of the said Act is repealed and the following substituted therefor:

(3) In assessing compensation, the Board shall take into consideration any benefit, compensation or indemnity paid or payable to the applicant from any source other than general welfare assistance or family benefits. ^{Idem}

4.—(1) Clause 19 (1) (a) of the said Act is amended by striking out “\$15,000” and inserting in lieu thereof “\$25,000”.

(2) Clause 19 (1) (b) of the said Act is amended by striking out “\$500” and inserting in lieu thereof “\$1,000”.

(3) Clause 19 (2) (a) of the said Act is amended by striking out “\$100,000” in the second line and inserting in lieu thereof “\$150,000”.

(4) Clause 19 (2) (b) of the said Act is amended by striking out “\$175,000” in the second line and inserting in lieu thereof “\$250,000”.

5.—(1) Section 26 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The Board may elect to limit the amount for which it is subrogated to the amount of compensation that it has paid in respect of the person whose rights were subrogated by limiting its claim to the amount so paid and, where it so elects, may maintain the action in the name of the Minister.

(2) Section 26 of the said Act is further amended by adding thereto the following subsection:

Person
to assist

(5) A person awarded compensation shall give the Board such information and co-operation as he or she can furnish to assist the Board in maintaining a subrogated action for damages against the offender who caused the injury or death of the victim.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Compensation for Victims of Crime Amendment Act, 1986*.

A20N
B
B 56

Bill 13

An Act to amend the Regional Municipality of Sudbury Act and the Education Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading May 8th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The purposes of the Bill are to provide for reassessment of all real property in the Regional Area on the same market value basis and to alter the method whereby the Regional Council, the area municipalities, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board levy rates. To accomplish these purposes it is necessary to amend both the *Regional Municipality of Sudbury Act* and the *Education Act*.

SECTION 1. This section amends the *Regional Municipality of Sudbury Act*. The amendments are as follows:

1. The proposed section 68 adds new definitions to Part X of the Act which are complementary to the other amendments to Part X contemplated by this Bill.
2. Section 71 authorizes the Regional Council to not only specify annually the amount of money to be raised by each area municipality, but to set one uniform residential and farm mill rate and one uniform commercial mill rate that will be levied by all the area municipalities for purposes of raising the sums required for regional purposes.
3. Section 71a requires The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board to set uniform mill rates to be levied in each area municipality.

The two boards will have the power to direct the area municipalities to levy the rates so set.

4. Section 71b requires an area municipality to adopt uniform mill rates within the area municipality. At present, different merged areas have different mill rates.
5. Sections 71c, 71d and 71e provide for interim financing, before the estimates are adopted in any year, by the Regional Council and the councils of the area municipalities. The Minister will be able to prescribe maximum interim levies and requisitions.
6. Section 72 relates to payments in lieu of taxes and requires the area municipalities to pay to The Regional Municipality of Sudbury a portion of each payment in lieu of taxes that they receive from tax exempt government bodies. The section sets out the rules for determining the amount of the portion.

At present, there is no general requirement that a portion of such payments be paid over to the Regional Corporation. Instead, an equivalent assessment which would have produced the amount of the payment is calculated and included as part of the area municipality's total assessment and that total assessment is used for determining how much of the Regional Corporation's budgeted expenses the area municipality will be required to raise.

7. Section 73 requires each area municipality to pay to the Regional Corporation and The Sudbury Board of Education a portion of the tax on telephone and telegraph receipts received each year by the area municipality. The section sets out the rules for determining the amount of the portion.

At present, there is no such requirement. Instead, as in the case of a payment in lieu of taxes, an equivalent assessment which would have produced the amount of such taxes is calculated and included as part of each area municipality's total assessment.

8. Section 73a provides for the portions in which and the instalment dates on which payments referred to in sections 72 and 73 will be made by the area

municipalities to the Regional Corporation and The Sudbury Board of Education.

9. Section 74 provides for reassessing the whole of the Regional Area on the same market value basis and for updating the reassessment at least once every four years. A mandatory reassessment will be done either in 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989.
10. Section 75 authorizes the Minister of Municipal Affairs to make grants to the Regional Corporation or to any area municipality where it is necessary for purposes of reducing undue increases in taxation arising from reassessment.

Section 75 also authorizes the Lieutenant Governor in Council, for purposes of minimizing tax shifts resulting from the reassessment, to make regulations altering the rules used by the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority for apportioning their budgeted expenses among their constituent municipalities.

SECTION 2. This section amends the *Education Act*. The amendments are complementary to the amendments to the *Regional Municipality of Sudbury Act* set out in section 1. Included in these amendments is a provision authorizing the Lieutenant Governor in Council to make regulations providing for the apportionment of the budgeted expenses of The Sudbury District Roman Catholic Separate School Board among its constituent municipalities.

SECTION 3. This section states that nothing in the Bill will affect the validity of any interim levy made in 1986 before the Bill receives Royal Assent.

Bill 13

1986

**An Act to amend the
Regional Municipality of Sudbury Act
and the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

68. In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980,
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in

clauses (a) and (c) of the definition of “commercial assessment”;

“weighted assessment” means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12 and sections 72 to 76 of the said Act, are repealed and the following substituted therefor:

Definition

71.—(1) In this section, “total net regional levy” means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Regional
rating by-law

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

Determi-
nation
of
commercial
rate

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

Determi-
nation
of
residential
rate

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area
municipality
to
adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt
real property

(7) The full value of all rateable property shall be used in determining,

Full value
to be used

- (a) the rates to be levied under subsections (3) and (4); and
- (b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,
c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment
and advance
payments

- (a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and
- (b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default

annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determina-
tion
of
school rates

71a.—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem

R.S.O. 1980,
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to
area
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area
municipality
to levy and
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value
to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;

(b) the rates mentioned in subsection (1); and

- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*, R.S.O. 1980,
c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980,
c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to “commercial assessment” or “residential and farm assessment” shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act. Definitions in
R.S.O. 1980,
c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1). Non-
application of
R.S.O. 1980,
c. 129,
s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board. Application
of
R.S.O. 1980,
c. 129

71b.—(1) In this section,

Definitions

“area municipality levy” means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes; R.S.O. 1980,
c. 302

“special area municipality levy” means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy. Area
municipality
levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product, Determi-
nation
of
commercial
mill rates

- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determi-
nation
of
residential
mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-
application of
R.S.O. 1980,
c. 302,
s. 158;
c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area
municipality
levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt
real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim
financing,
Regional
Council

71c.—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final
instalment
reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim
financing,
area
municipalities

71d.—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial

assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in
December of
preceding
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determi-
nation
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy
deducted
from
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy
in excess of
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application
of
R.S.O. 1980,
c. 302

71e. Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).

Definitions

72.—(1) In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-
82-83,
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

- (a) the taxes for local purposes for the year; and
- (b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

- (a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31
- (b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361
- (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or R.S.O. 1980, c. 384
- (d) the *Municipal Grants Act, 1980* (Canada), 1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*; R.S.O. 1980, c. 209

R.S.O. 1980,
c. 302 (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,
c. 384 (d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of
portion of
telephone
and
telegraph tax
R.S.O. 1980,
c. 302

73.—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of
taxes added
to
collector's
roll

R.S.O. 1980,
c. 31

Statement by
treasurer

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of
R.S.O. 1980,
c. 302, s. 161
(18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of
payments
in lieu
and
telephone
and telegraph
levies

73a.—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.

3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Alternative
payment
schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities.

Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues.

General
revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Overpayment

Region-wide
reassessment

74.—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application
of new
assessment
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of
assessment
roll

R.S.O. 1980,
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory
return of
updated roll
in 1987 or
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory
return of
updated roll
every fourth
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution
required

(8) Except as provided in subsection (7), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of
R.S.O. 1980,
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on
appeal

Where
property
described
in class
prescribed
under
subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No
amendment
to
collector's
roll
R.S.O. 1980,
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of
rates for
pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of
appeal
preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations
may be
retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may
make grants

75.—(1) Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out
of Consol-
idated
Revenue
Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting
increases
in taxes
following
change in
assessment
base
R.S.O. 1980,
c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board
apportion-
ments

(a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;

R.S.O. 1980,
c. 122

(b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980,
c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations
may be
retroactive

2.—(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Non-
application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

(2) Section 214 of the said Act is amended by adding thereto the following subsection:

Non-
application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

(3) The said Act is amended by adding thereto the following section:

Regulations
for apportionment,
Sudbury
District
Roman
Catholic
Separate
School
Board
Idem

214a.—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where
estimated
data used

R.S.O. 1980,
c. 441

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

(4) Section 222 of the said Act is amended by adding thereto the following subsection:

Non-
application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

(5) Section 225 of the said Act is repealed and the following substituted therefor:

This Part to
prevail where
conflict
R.S.O. 1980,
c. 441

225. In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

3. Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*

Sudbury Act as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

4. This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-
ment

5. The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title

Bill 13

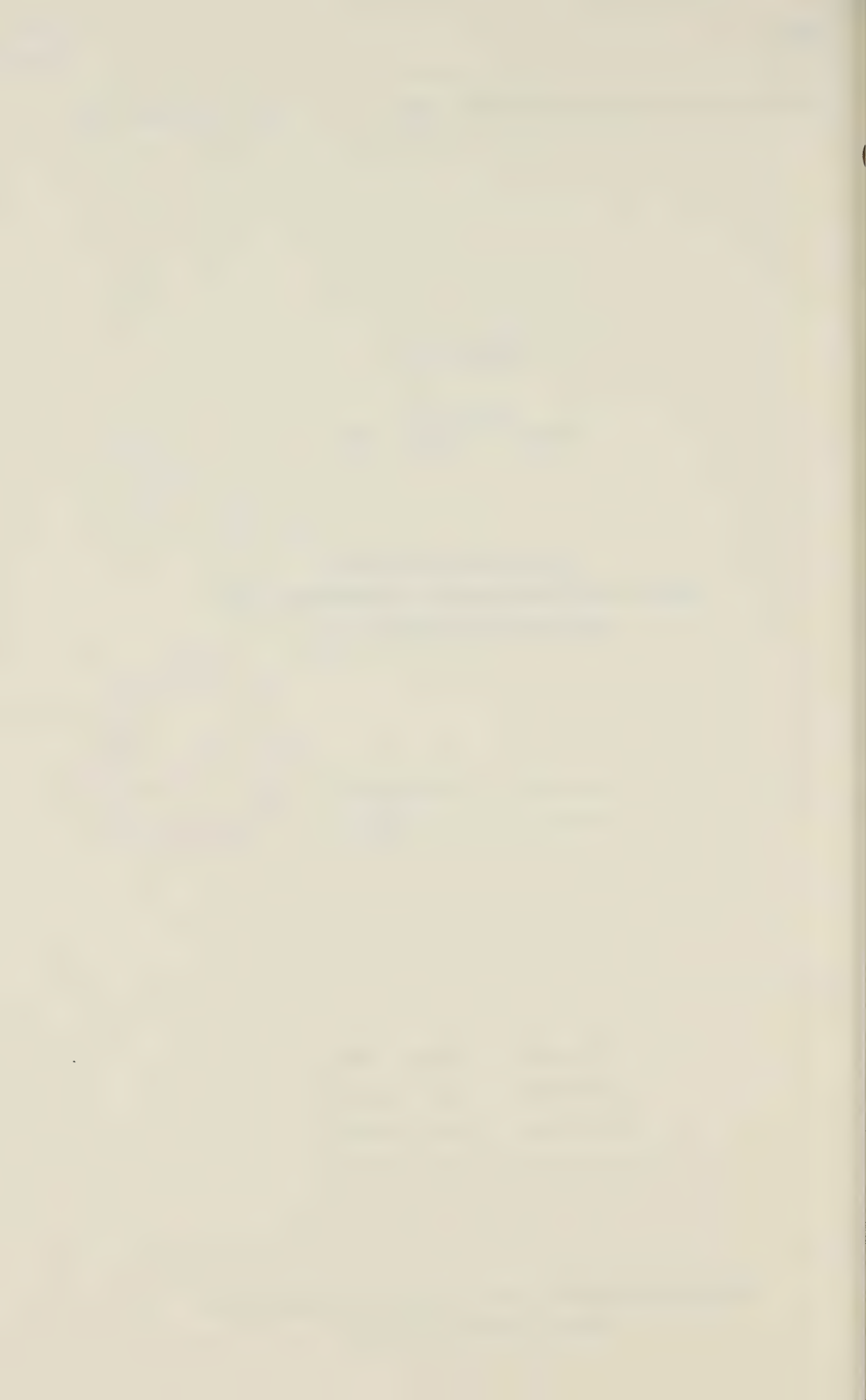
(Chapter 19
Statutes of Ontario, 1986)

An Act to amend the
Regional Municipality of Sudbury Act
and the Education Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



<i>1st Reading</i>	May 8th, 1986
<i>2nd Reading</i>	June 11th, 1986
<i>3rd Reading</i>	June 11th, 1986
<i>Royal Assent</i>	June 12th, 1986



Bill 13

1986

**An Act to amend the
Regional Municipality of Sudbury Act
and the Education Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 68 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

68. In this Part,

Definitions

“commercial assessment” means the total, according to the last returned assessment roll, of,

- (a) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal or regional corporation or local board thereof,
- (b) business assessment, and
- (c) the assessment for mineral lands, pipe lines and railway lands, other than railway lands actually in use for residential and farming purposes;

“rateable property” includes business and other assessment made under the *Assessment Act*;

R.S.O. 1980,
c. 31

“regional rating by-law” means a by-law passed under subsection 71 (2);

“residential and farm assessment” means the total assessment for real property according to the last returned assessment roll except the assessments for real property mentioned in

clauses (a) and (c) of the definition of "commercial assessment";

"weighted assessment" means for the relevant area the total of,

- (a) the product obtained by multiplying the residential and farm assessment by 85 per cent, and
- (b) the commercial assessment.

(2) Section 71, as amended by the Statutes of Ontario, 1984, chapter 45, section 12 and sections 72 to 76 of the said Act, are repealed and the following substituted therefor:

Definition **71.—(1)** In this section, "total net regional levy" means a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted under section 70; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of the debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

**Regional
rating by-law**

(2) For purposes of raising the total net regional levy, the Regional Council, on or before the 30th day of June in 1986 and on or before the 31st day of March in each subsequent year, shall pass a by-law directing the council of each area municipality to levy a separate rate, as specified in the by-law, on the residential and farm assessment in the area municipality rateable for regional purposes and on the commercial assessment in the area municipality rateable for regional purposes.

**Determi-
nation
of
commercial
rate**

(3) The rate that the Regional Council shall direct to be levied on commercial assessment under subsection (2) shall be determined by multiplying the total net regional levy by 1,000 and dividing the product by the total of the weighted assessments for all the area municipalities.

**Determi-
nation
of
residential
rate**

(4) The rate that the Regional Council shall direct to be levied on the residential and farm assessment under subsection (2) shall be 85 per cent of the rate that it directs to be levied on commercial assessment.

(5) In each year, the council of each area municipality shall levy, in accordance with the regional rating by-law passed for that year, the rates specified in the by-law.

Area
municipality
to
adopt rates

(6) The assessment for real property that is exempt from taxation for regional purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the total of the weighted assessments for all the area municipalities for purposes of subsection (3).

Tax exempt
real property

(7) The full value of all rateable property shall be used in determining,

Full value
to be used

- (a) the rates to be levied under subsections (3) and (4); and
- (b) the assessment on which the levy shall be made under subsection (5),

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto.

R.S.O. 1980,
c. 31

(8) A regional rating by-law shall specify the amount to be raised in an area municipality as a result of a levy being made in that area municipality in accordance with the by-law and the by-law,

Instalment
and advance
payments

- (a) may require specified portions of that amount to be paid to the treasurer of the Regional Corporation on or before specified dates; and
- (b) may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment required, or portion thereof, made in advance by any area municipality.

(9) The amount specified to be raised in an area municipality pursuant to a regional rating by-law shall be deemed to be taxes and is a debt of the area municipality to the Regional Corporation and the treasurer of the area municipality shall pay the amount owing by the area municipality to the treasurer of the Regional Corporation on or before the dates and in the portions specified in the regional rating by-law.

Payment

(10) If an area municipality fails to make any payment, or portion thereof, as provided in the regional rating by-law, the area municipality shall pay to the Regional Corporation interest on the amount in default at the rate of 15 per cent per

Default

annum from the due date of the payment, or such lower rate as the Regional Council may by by-law determine, from the date payment is due until it is made.

Extension
of time

(11) The Minister by order may extend the time for passing a regional rating by-law in any year and such an order may be made notwithstanding that the time limit set out in subsection (2) has expired.

Determina-
tion
of
school rates

71a.—(1) In each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall determine the rates to be levied by each area municipality to provide the sums required for public, separate and secondary school purposes, as the case may be, in that year and shall specify the amount that is to be provided in that year by the application of those rates within an area municipality.

Idem

R.S.O. 1980,
c. 129

(2) The determinations required by subsection (1) shall be made in accordance with subsection 222 (1) of the *Education Act*.

Direction to
area
municipalities

(3) On or before the 1st day of March in each year, The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board shall direct the council of each area municipality to levy the rates determined by the particular Board in respect of the area municipality under subsection (1) and shall advise the area municipality of the amount of money to be raised by levying those rates.

Area
municipality
to levy and
collect

(4) In each year, the council of an area municipality shall levy rates in accordance with the directions under subsection (3) upon all property in the area municipality rateable for public, secondary or separate school purposes, as may be appropriate.

Full value
to be used

(5) The full value of all applicable rateable property shall be used in determining,

(a) the weighted assessment for each area municipality for purposes of apportioning among the area municipalities the sums required for school purposes by The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board;

(b) the rates mentioned in subsection (1); and

- (c) the assessment upon which the rates are to be levied under sections 128, 133 and 215 of the *Education Act*, R.S.O. 1980, c. 129

and, notwithstanding any other Act, but subject to section 22 of the *Assessment Act*, no fixed assessment applies thereto. R.S.O. 1980, c. 31

(6) For the purposes of determining and levying rates for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board, a reference in the *Education Act* to "commercial assessment" or "residential and farm assessment" shall be deemed to be a reference to such assessments as defined in this Part and not as defined in section 220 of that Act. Definitions in R.S.O. 1980, c. 129, s. 220

(7) Subsection 219 (2) of the *Education Act* does not apply to the determination of rates under subsection (1). Non-application of R.S.O. 1980, c. 129, s. 219 (2)

(8) Except as provided in this section, the *Education Act* continues to apply to the levying of rates and collecting of taxes for The Sudbury Board of Education and The Sudbury District Roman Catholic Separate School Board. Application of R.S.O. 1980, c. 129

71b.—(1) In this section,

Definitions

"area municipality levy" means the amount required for area municipality purposes under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding those amounts required to be raised for regional and school purposes; R.S.O. 1980, c. 302

"special area municipality levy" means an amount to be raised by an area municipality that is not included in the area municipality levy, but excluding those amounts required to be raised for regional and school purposes.

(2) The council of each area municipality, in each year in accordance with subsections (3) and (4), shall levy separate rates on the whole of the rateable commercial assessment and on the whole of the rateable residential and farm assessment in respect of the area municipality levy and the special area municipality levy. Area municipality levies

(3) The rates to be levied in each year, on commercial assessment for each separate levy specified in subsection (2), shall be determined by multiplying the sum required for each levy by 1,000 and dividing the product, Determination of commercial mill rates

- (a) by the weighted assessment for the area municipality, in the case of an area municipality levy; and
- (b) by the weighted assessment determined on the basis of the assessment that is rateable for the purpose of raising the special area municipality levy, in the case of a special area municipality levy.

Determina-
tion
of
residential
mill rates

(4) The rates to be levied in each year, on residential and farm assessment for each separate levy specified in subsection (2), shall be 85 per cent of the rate to be levied on commercial assessment in accordance with subsection (3).

Non-
application of
R.S.O. 1980,
c. 302,
s. 158;
c. 359, s. 7

(5) Section 158 of the *Municipal Act* and section 7 of the *Ontario Unconditional Grants Act* do not apply to an area municipality.

Area
municipality
levy

(6) A reference in any other Act to a levy by a local municipality under section 158 of the *Municipal Act* shall, with respect to an area municipality, be deemed to be a reference to a levy under this section.

Tax exempt
real property

(7) The assessment for real property that is exempt from taxation for area municipality purposes by virtue of any Act or by virtue of a by-law passed by the council of an area municipality under any Act shall not be included when determining the weighted assessment for purposes of clause (3) (a) or (b).

Interim
financing,
Regional
Council

71c.—(1) The Regional Council, before the adoption of the estimates for the year, may by by-law requisition from each area municipality a sum not exceeding 50 per cent of the amount that under subsection 71 (8) was, in the regional rating by-law for the preceding year, specified to be raised in the particular area municipality and subsections 71 (8), (9) and (10) apply with necessary modifications to the amount requisitioned.

Final
instalment
reduced

(2) The amount of any requisition made under subsection (1) in any year upon an area municipality shall be deducted when determining the amount of the portions to be paid in that year by the area municipality to the treasurer of the Regional Corporation pursuant to the provision in the regional rating by-law authorized by clause 71 (8) (a).

Interim
financing,
area
municipalities

71d.—(1) The council of an area municipality may for any year, before the adoption of the estimates for the year, levy such rates as it may determine on the rateable commercial

assessment and on the rateable residential and farm assessment in the area municipality.

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

By-law in
December of
preceding
year

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Determi-
nation
of rate

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Assessment
roll

(5) The amount of any levy made on an assessment under subsection (1) shall be deducted from the total amount levied on that assessment for that year under sections 71, 71a and 71b.

Interim levy
deducted
from
final levy

(6) Where the taxes levied on an assessment for real property or on a business assessment under this section exceed the taxes to be levied on that assessment for the year under sections 71, 71a and 71b, the treasurer of the area municipality shall, not later than twenty-one days following the giving of a notice of demand of taxes payable, refund to the person assessed that portion of the taxes paid in excess of the amount payable for the year pursuant to a levy made under sections 71, 71a and 71b.

Interim levy
in excess of
final levy

(7) The provisions of the *Municipal Act* with respect to the levy of rates and the collection of taxes apply with necessary modifications to the levy of rates and collection of taxes under this section.

Application
of
R.S.O. 1980,
c. 302

71e. Where a direction has been made under subsection 74 (1) that a new assessment roll be returned for taxation in the current year, the Minister by order,

Power of
Minister

- (a) may prescribe the maximum sum that may be requisitioned from each area municipality under subsection 71c (1); and
- (b) may prescribe the maximum rates that may be levied by the council of each area municipality under subsection 71d (1).

Definitions

72.—(1) In this section,

“payment in lieu of taxes” means an amount that an area municipality is eligible to receive under,

- R.S.O. 1980,
c. 31 (a) subsection 26 (3), (4) or (5) of the *Assessment Act*,
- R.S.O. 1980,
c. 209 (b) subsection 7 (6) of the *Housing Development Act*, but not including that portion payable to a school board in accordance with subsection 7 (10) of that Act,
- R.S.O. 1980,
c. 302 (c) section 160 and subsection 160a (3) of the *Municipal Act*,
- R.S.O. 1980,
c. 311 (d) subsection 4 (1), (2) or (3) of the *Municipal Tax Assistance Act*,
- R.S.O. 1980,
c. 361 (e) section 42 of the *Ontario Water Resources Act*,
- R.S.O. 1980,
c. 384 (f) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including that portion payable to a school board in accordance with subsection 46 (9) of that Act,
- 1980-81-
82-83,
c. 37 (Can.) (g) the *Municipal Grants Act, 1980* (Canada), or
- (h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property or business assessment, but not including a payment referred to in section 498 of the *Municipal Act*;

“taxes for local purposes” means the taxes levied by an area municipality for local purposes under subsection 71b (2), excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“taxes for regional purposes” means the taxes levied by an area municipality for regional purposes as specified in a regional rating by-law, excluding any adjustments under section 32 or 33 of the *Assessment Act*;

“total taxes for all purposes” means the sum of the amounts levied by an area municipality under sections 71, 71a and 71b, excluding any adjustments under section 32 or 33 of the *Assessment Act*.

(2) Where an area municipality is eligible to receive a payment in lieu of taxes for any year, it shall pay to the treasurer of the Regional Corporation a portion equal to the amount obtained by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total of,

Area municipalities to share payments in lieu of taxes

- (a) the taxes for local purposes for the year; and
- (b) the taxes for regional purposes for the year.

(3) Notwithstanding subsection (2), if an area municipality is eligible to receive a payment in lieu of taxes for any year under,

Sharing of certain payments

- (a) subsection 26 (3), (4) or (5) of the *Assessment Act*; R.S.O. 1980, c. 31
- (b) section 42 of the *Ontario Water Resources Act*; R.S.O. 1980, c. 361
- (c) subsection 46 (2), (3), (4) or (5) of the *Power Corporation Act*, but not including the portion payable to a school board in accordance with subsection 46 (9) of that Act; or R.S.O. 1980, c. 384
- (d) the *Municipal Grants Act, 1980* (Canada),

1980-81-82-83, c. 37 (Can.)

and the calculation of the payments is based in part on the rates that were levied for school purposes, then the portion to be paid under subsection (2) shall be calculated by multiplying the amount that the area municipality is eligible to receive by the quotient, correct to five decimal places, obtained by dividing the total taxes for regional purposes for the year by the total taxes for all purposes for the year.

(4) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation showing an estimate of the amount that the area municipality will be required to pay to the Regional Corporation for the year under subsection (2).

Treasurer to provide estimate of share

(5) Where an area municipality is required to pay a portion of a payment in lieu of taxes to the Regional Corporation under subsection (2), or to a school board, the provisions of,

Allocation of payments in lieu of taxes

- (a) subsections 26 (7) and (9) of the *Assessment Act*;
- (b) subsection 7 (10) of the *Housing Development Act*;

R.S.O. 1980, c. 209

R.S.O. 1980,
c. 302 (c) subsections 160 (12) and (16) and subsection 160a (4) of the *Municipal Act*; and

R.S.O. 1980,
c. 384 (d) subsection 46 (7) of the *Power Corporation Act*,

with respect to the equalization of assessment or allocation and deposit of payments shall not apply to that entitlement.

Payment of
portion of
telephone
and
telegraph tax
R.S.O. 1980,
c. 302

73.—(1) Each area municipality shall pay a portion of the tax levied under subsections 161 (12) and (13) of the *Municipal Act* to the Regional Corporation and The Sudbury Board of Education in the proportion that the taxes levied on commercial assessment in the year for each such body bears to the total taxes on commercial assessment for all purposes other than separate school purposes.

Exclusion of
taxes added
to
collector's
roll

R.S.O. 1980,
c. 31

Statement by
treasurer

(2) In determining the taxes levied on commercial assessment under subsection (1), there shall be excluded any adjustments under section 32 or 33 of the *Assessment Act*.

(3) The treasurer of each area municipality shall, on or before the 1st day of March in each year, send a statement to the treasurer of the Regional Corporation and The Sudbury Board of Education showing an estimate of the amount which the area municipality will be required to pay to that body for the year under subsection (1).

Exclusion of
R.S.O. 1980,
c. 302, s. 161
(18-24)

(4) Subsections 161 (18) to (24) of the *Municipal Act* do not apply if payments are made by an area municipality under subsection (1).

Payment of
payments
in lieu
and
telephone
and telegraph
levies

73a.—(1) An amount payable by an area municipality to the Regional Corporation under subsection 72 (2) or to the Regional Corporation or The Sudbury Board of Education under subsection 73 (1) is a debt of the area municipality to the Regional Corporation or school board, as the case may be, and, subject to subsections (2) and (3), instalments are payable in each year on account thereof as follows:

1. A first instalment equal to 19 per cent of the amount payable in the preceding year, on or before the 28th day of February.
2. A second instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of March.

3. A third instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of April.
4. A fourth instalment of 19 per cent of the amount payable in the preceding year, on or before the 30th day of June.
5. A fifth instalment of 19 per cent of the amount payable in the preceding year, on or before the 31st day of July.
6. A sixth instalment of the balance of the entitlement for the year, on or before the 15th day of December.

(2) The Regional Council may by by-law provide for an alternative number of instalments and due dates for amounts payable by area municipalities to the Regional Corporation under subsection (1).

Alternative
payment
schedule

(3) The Sudbury Board of Education, by agreement each year with a majority of the area municipalities within the Regional Area that represent at least two-thirds of the total weighted assessment for all of the area municipalities, may provide for an alternative number of instalments and due dates thereof other than those provided in subsection (1) which shall be applicable to all area municipalities.

Idem

(4) The amount payable under subsection 72 (2) or 73 (1) by an area municipality shall be credited by the Regional Corporation or school board to its general revenues.

General
revenues

(5) If an area municipality fails to make any payment as provided under subsection (1) or as altered under subsection (2) or (3), the area municipality shall pay to the Regional Corporation or school board, as applicable, interest on the amount past due at the rate of 15 per cent per annum, or at such lower rate as the school board or Regional Corporation may by by-law determine from time to time.

Default

(6) Where the total amount paid for the year under subsection (1) exceeds the total amount payable for the year under subsections 72 (2) and 73 (1), the area municipality shall notify the Regional Corporation or the school board, as the case may be, of the amount of the overpayment and the Regional Corporation or school board shall forthwith pay that amount to the area municipality.

Overpayment

Region-wide
reassessment

74.—(1) If the Minister of Revenue considers that, within any class or classes of real property within the Regional Area, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, the Minister of Revenue may direct that such changes be made in the assessment to be contained in the assessment roll next to be returned for each area municipality as will, in the Minister's opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister of Revenue may, for that purpose, make regulations,

- (a) prescribing the classes of real property into which the real property in the Regional Area shall be divided for the purpose of this subsection;
- (b) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class throughout the Regional Area;
- (c) providing that any equalization of assessment pursuant to a regulation made under clause (b) shall not alter, as between classes of real property throughout the Regional Area, the relative level of assessment at market value previously existing among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equitability of assessment within each class.

Application
of new
assessment
roll

(2) If the assessment roll of an area municipality for taxation in any year is changed pursuant to a direction of the Minister of Revenue under subsection (1),

- (a) the assessment roll to be returned for that area municipality for taxation in that year shall be the assessment roll as so changed and not the assessment roll that would otherwise have been returned; and
- (b) the assessment roll to be returned for taxation in each year following that year shall be the assessment roll returned under clause (a) as amended, added to, or otherwise altered under the *Assessment Act* up to the date when the assessment roll is returned in each such following year.

R.S.O. 1980,
c. 31

Exception

(3) Notwithstanding subsection (2), where the assessor is of the opinion that an assessment to be shown on the assessment

roll to be returned is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

(4) For the purpose of every Act, the assessment roll of an area municipality returned under subsection (2) shall be deemed to be the assessment roll of the area municipality returned under the *Assessment Act*.

Status of
assessment
roll

R.S.O. 1980,
c. 31

(5) In 1987 for purposes of taxation in 1988 or in 1988 for purposes of taxation in 1989, the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory
return of
updated roll
in 1987 or
1988

(6) In every fourth year following the most recent direction under subsection (1), the Minister of Revenue shall make a direction under subsection (1) for changes to be made to the assessment rolls of the area municipalities.

Mandatory
return of
updated roll
every fourth
year

(7) Except as provided in subsections (5) and (6), the Minister of Revenue shall not make a direction under subsection (1) unless the Regional Council, by resolution, has requested that a direction be made.

Resolution
required

(8) Except as provided in subsection (7), the *Assessment Act* and the alterations, corrections, additions and amendments authorized by that Act apply to an assessment roll returned under subsection (2).

Provisions of
R.S.O. 1980,
c. 31

(9) Subsections 63 (1) and (3) and sections 64 and 65 of the *Assessment Act* do not apply to an area municipality or to the assessment roll of any area municipality in respect of 1986 and subsequent years.

Idem

(10) The Assessment Review Board, the Ontario Municipal Board or any court, in determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, shall have reference to the value at which similar real property in the vicinity is assessed, and the amount of any assessment of real property shall not be altered unless the Assessment Review Board, Ontario Municipal Board or court is satisfied that the assessment is inequitable with respect to the assessment of similar real property in the vicinity, and in that event the assessment of the real property shall not be altered to any greater extent than is necessary to make the assessment equitable with the assessment of such similar real property.

Powers on
appeal

Where
property
described
in class
prescribed
under
subs. (1)

(11) Notwithstanding that a complaint, appeal, proceeding or action concerns an assessment made for taxation in a year prior to the year for which classes of real property were prescribed for the Regional Area under subsection (1), for the purpose of determining the value at which any real property shall be assessed in any complaint, appeal, proceeding or action, real property described in a class prescribed under subsection (1) for the Regional Area is not similar to real property described in another class prescribed under subsection (1) for the Regional Area, and the inclusion of real property within a class so prescribed does not indicate that the real property is similar to other real property in that class.

No
amendment
to
collector's
roll
R.S.O. 1980,
c. 31

(12) No amendment shall be made to the assessment or a collector's roll under clause 33 (a) of the *Assessment Act* until the cumulative value of the increase since the date of the most recent change to the assessment roll under a direction of the Minister of Revenue under subsection (1) is at least in the sum of \$5,000 at market value or, if the assessment in the Regional Area is at less than market value, at an equivalent rate.

Table of
rates for
pipe lines

(13) For purposes of subsection 24 (16a) of the *Assessment Act*, changes made in the assessment roll of an area municipality under a direction of the Minister of Revenue under subsection (1) shall be deemed to be a reassessment of all property within that area municipality under subsection 63 (3) of the *Assessment Act*.

Rights of
appeal
preserved

(14) Nothing in section 71, 71a or 71b in any way deprives any person of any right of appeal provided for in the *Assessment Act* or affects the operation of subsection 36 (6) of that Act.

Regulations
may be
retroactive

(15) A regulation made under subsection (1) may be made retroactive to the 1st day of December of the year preceding the year in which it was made.

Minister may
make grants

75.—(1) Where the Minister is of the opinion that property taxes in a municipality may be unduly increased because of changes made to the assessment rolls of area municipalities under a direction under subsection 74 (1), the Minister may make a grant to the Regional Corporation or an area municipality under such terms and conditions as the Minister considers necessary in the circumstances and an area municipality and the Regional Corporation has the authority to apply and shall apply the grant in accordance with the terms and conditions, if any.

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1987, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Payment out
of Consol-
idated
Revenue
Fund

(3) If a by-law is passed by an area municipality under subsection 362 (1) of the *Municipal Act*, the by-law may be made applicable to rateable property in any one or more merged areas in the area municipality as though each such merged area were a separate municipality, but nothing in this subsection authorizes an area municipality to charge a reduction in whole or in part pursuant to subclause 362 (1) (c) (iii) of that Act only to one or more merged areas.

Limiting
increases
in taxes
following
change in
assessment
base
R.S.O. 1980,
c. 302

(4) Where changes are made in the assessment rolls of area municipalities under a direction of the Minister of Revenue under subsection 74 (1), and, in relation to either or both the District of Sudbury Welfare Administration Board and the Nickel District Conservation Authority, the changes directly affect the relative cost sharing responsibility of any municipality beyond the Regional Area or cause within the Regional Area substantial tax shifts between municipalities, property classes or individual properties, the Lieutenant Governor in Council may, in order to minimize such effects, make regulations,

Board
apportion-
ments

- (a) prescribing an alternative basis, to that specified under the *District Welfare Administration Boards Act*, for apportioning the amounts required by the District of Sudbury Welfare Administration Board from each municipality within the district board area;
- (b) prescribing an alternative basis, to that specified under the *Conservation Authorities Act*, for apportioning the amounts required by the Nickel District Conservation Authority from each municipality under the conservation authority area,

R.S.O. 1980,
c. 122

R.S.O. 1980,
c. 85

as the case may be.

(5) A regulation made under subsection (4) may be made retroactive to a date not earlier than the 1st day of January of the year in which it is made.

Regulations
may be
retroactive

2.—(1) Section 130 of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Non-
application

(10) This section does not apply to The Sudbury District Roman Catholic Separate School Board.

(2) Section 214 of the said Act is amended by adding thereto the following subsection:

Non-
application

(6) Subsections (3) and (5) do not apply to an area municipality in The Regional Municipality of Sudbury.

(3) The said Act is amended by adding thereto the following section:

Regulations
for apportionment,
Sudbury
District
Roman
Catholic
Separate
School
Board
Idem

214a.—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by The Sudbury District Roman Catholic Separate School Board for separate school purposes for any year among the municipalities or parts thereof and localities in the district combined separate school zone.

(2) In any year in which a regulation made under subsection (1) is in force, the sums mentioned in that subsection shall be apportioned among the municipalities or parts thereof and localities in the district combined separate school zone in accordance with the regulation.

Where
estimated
data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof, other than an area municipality as defined in the *Regional Municipality of Sudbury Act* or by a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year.

R.S.O. 1980,
c. 441

(4) Section 222 of the said Act is amended by adding thereto the following subsection:

Non-
application

(4) Subsection (2) does not apply to an area municipality in The Regional Municipality of Sudbury.

(5) Section 225 of the said Act is repealed and the following substituted therefor:

This Part to
prevail where
conflict
R.S.O. 1980,
c. 441

225. In the event of a conflict between any provision in sections 220 to 224 and any provision in any other Act, other than the *Regional Municipality of Sudbury Act*, the provision in sections 220 to 224 prevails.

3. Nothing in this Act affects the validity of an interim levy made by the Regional Council or by the council of an area municipality under section 74 of the *Regional Municipality of*

Sudbury Act as it read before the coming into force of this Act and subsections 71 (8), (9) and (10) and subsection 71c (2) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by the Regional Council in 1986 and subsections 71d (4), (5) and (6) of that Act, as enacted by this Act, apply with necessary modifications to any interim levy made by an area municipality.

4. This Act shall be deemed to have come into force on the 1st day of January, 1986. Commence-
ment

5. The short title of this Act is the *Regional Municipality of Sudbury Statute Law Amendment Act, 1986*. Short title

CA20N
XB
-B 56

Bill 14

An Act to amend the Oleomargarine Act

The Hon. J. Riddell

Minister of Agriculture and Food



1st Reading May 12th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTE

The purpose of the Bill is to delete a reference which is obsolete.

Bill 14**1986****An Act to amend the Oleomargarine Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Oleomargarine Act*, being chapter 324 of the Revised Statutes of Ontario, 1980, is amended by striking out “read under conditions substantially similar to those established by the United States Bureau of Internal Revenue” in the fifth and sixth lines.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Oleomargarine Amendment Act, 1986*. Short title

Bill 14

*(Chapter 65
Statutes of Ontario, 1986)*

An Act to amend the Oleomargarine Act

The Hon. J. Riddell
Minister of Agriculture and Food



<i>1st Reading</i>	May 12th, 1986
<i>2nd Reading</i>	December 9th, 1986
<i>3rd Reading</i>	December 15th, 1986
<i>Royal Assent</i>	December 18th, 1986

Bill 14**1986****An Act to amend the Oleomargarine Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Oleomargarine Act*, being chapter 324 of the Revised Statutes of Ontario, 1980, is amended by striking out “read under conditions substantially similar to those established by the United States Bureau of Internal Revenue” in the fifth and sixth lines.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Oleomargarine Amendment Act, 1986*. Short title

A20N
B
B 56

Bill 15

An Act to repeal the Brucellosis Act

The Hon. J. Riddell
Minister of Agriculture and Food



1st Reading May 12th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTE

The purpose of this Bill is to repeal the *Brucellosis Act*. Any agreement made under subsection 3 (2) of the Act between the Minister and a veterinarian is void. In section 3, the Minister is authorized to transfer records and information to the Department of Agriculture of the Government of Canada.

Bill 15**1986****An Act to repeal the Brucellosis Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The *Brucellosis Act*, being chapter 50 of the Revised Statutes of Ontario, 1980, is repealed. Repeal
- 2.** An agreement made between the Minister of Agriculture and Food and a veterinarian under subsection 3 (2) of the *Brucellosis Act* is void. Agreements
void
- 3.** The Minister may transfer to the Department of Agriculture of the Government of Canada any records or information acquired in the administration of the *Brucellosis Act*. Disposal
of records
- 4.** This Act shall be deemed to have come into force on the 1st day of November, 1985. Commence-
ment
- 5.** The short title of this Act is the *Brucellosis Repeal Act*, 1986. Short title

A20N
B
B 56

Bill 16

An Act to amend the Municipal Act

Mr. Breaugh

1st Reading May 12th, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

Under the present law, the public is not permitted to attend committee meetings of municipal councils or local boards. The present law also denies public access to reports made to the committees and to certain other documents. The amendment opens up committee meetings to the public and provides access to reports and other records, subject to specific confidentiality exemptions. The amendment also imposes an obligation on councils to inform members of the public of their rights under the Act.

Bill 16

1986

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 55 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

55.—(1) The meetings of every council and of every local board as defined by the *Municipal Affairs Act* and of every committee of every council and every local board shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Open
meetings
R.S.O. 1980,
c. 303

(2) The head or other presiding officer may expel or exclude from a meeting any person who has been guilty of improper conduct at the meeting.

Exclusion
of certain
persons

(3) Notice of a meeting mentioned in subsection (1) shall be published not less than three days before the date of the meeting and the notice shall contain,

Publication
of right
to attend
meetings

- (a) the time and place of the meeting;
- (b) a statement that the meeting is open to the public;
- (c) a list of the items to be discussed; and
- (d) if appropriate, a statement that copies of any report to be discussed at the meeting are available for inspection by the public.

(4) If a report is prepared in connection with a matter to be discussed at a meeting for which notice is required under subsection (3), the clerk or other person who has possession of or control over the report shall ensure, subject to subsection 78 (1b), that copies of the report are available for inspection by the public at least three days before the date of the meeting.

Reports to
be available
prior to
meeting

Special
meetings
excepted

(5) Subsections (1) and (3) do not apply to a special meeting summoned under subsection 57 (2).

Closed
meetings

(6) On the authority of a majority of the members present, expressed by resolution in writing, a meeting mentioned in subsection (1) may be closed if and for so long as it relates to a matter mentioned in subsection 78 (1b).

2. Subsection 78 (1) of the said Act is repealed and the following substituted therefor:

Definition
of "record"

(1) For the purposes of this section, "record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise.

Inspection
of records

(1a) Except as otherwise provided in any Act, and subject to subsection (1b), a person may inspect, at all reasonable hours,

- (a) any records in the possession or under the control of the clerk; and
- (b) any records respecting meetings of local boards and committees of local boards,

and, within a reasonable time, the clerk or other person who has possession of or control over the records shall furnish copies of them or extracts from them to any applicant on payment of the rate fixed by council for copies.

Exemptions
from public
inspection

(1b) Subsection (1a) does not apply to a record that,

- (a) concerns negotiations for the purchase of land, goods or services;
- (b) contains financial, commercial, scientific or technical information relating to a person, the disclosure of which could reasonably be expected to prejudice the economic interests or the competitive position of that person;
- (c) contains information with respect to proposed plans, policies or projects whose premature disclosure could reasonably be expected to result in undue financial benefit or loss to a person;
- (d) is a report of solicitors for the council made to council or any of its committees;
- (e) concerns negotiations with trade unions;

- (f) relates to the management of personnel; or
- (g) contains personal information.

(1c) The clerk shall ensure that a statement of the public's right to inspect and copy records under this section,

Publication
of right to
inspection

- (a) is included with the financial information provided in accordance with subsection 85 (1); and
- (b) is posted in the municipal office and one other prominent place in the municipality.

(1d) Subsections (1a), (1b) and (1c) apply with necessary modifications to every regional municipality, The Municipality of Metropolitan Toronto, the District Municipality of Muskoka and the County of Oxford.

Application
of
subsections
(1a), (1b)
and
(1c)

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is the *Municipal Amendment Act, 1986*.

Short title

A20N

3

56

Bill 17

An Act respecting the Province of Ontario Savings Office

Mr. Philip

1st Reading May 13th, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The Bill provides for an expanded Province of Ontario Savings Office with the power to make loans and offer financial services as well as receive deposits.

Bill 17

1986

**An Act respecting the
Province of Ontario Savings Office**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“branch” means a branch of the Savings Office;

“Fund” means the Savings Office Fund;

“Minister” means the Minister of Revenue;

“Province of Ontario Savings Office” and “Savings Office” mean the savings deposit facility operated under the *Agricultural Development Finance Act*.

R.S.O. 1980,
c. 10

2. The Province of Ontario Savings Office is continued under the administration of the Minister.

Savings
Office
continued

3. The Minister may establish and operate branches at such places in Ontario as he may choose.

Branches

4.—(1) The Minister may receive moneys on deposit in accordance with the regulations.

Deposits

(2) All moneys received on deposit and all moneys held on deposit by the Savings Office on the day this Act comes into force form part of the Fund.

Part of
Fund

(3) Moneys deposited with the Minister under this Act are subject to attachment in the same manner as moneys deposited in a chartered bank.

Deposits
subject to
attachment

5. The Minister may,

Investments
and loans

(a) invest any moneys in the Fund in such securities and real property as he may choose; and

- (b) subject to the regulations, lend any moneys in the Fund upon such terms as may be agreed upon by the Minister and the borrower, may take security for any loan and may realize upon any security.

Financial
services

6. The Minister may,

- (a) make contracts with any person for the rental of safety deposit boxes at branches;
- (b) act as an agent for the sale of Canada Savings Bonds and travellers' cheques; and
- (c) offer such other financial services as may be prescribed by regulation.

Expenses
to be paid
from Fund

7.—(1) All expenses of administering this Act, including interest payable on deposits, shall be paid from the Fund.

Surplus

(2) Any surplus in the Fund from time to time may be paid into the Consolidated Revenue Fund.

Annual
statements

8. The Minister shall within a reasonable time after the end of each fiscal year prepare and table detailed financial statements for the Fund.

Regulations

9. The Lieutenant Governor in Council may make regulations,

- (a) fixing the terms and conditions on which deposits are received;
- (b) governing the making of loans from the Fund and the taking of security;
- (c) prescribing additional financial services.

10. The *Agricultural Development Finance Act*, being chapter 10 of the Revised Statutes of Ontario, 1980, is repealed.

Commence-
ment

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Savings Office Act, 1986*.

A20N
B
B 56

Bill 18

An Act to amend the Off-Road Vehicles Act, 1983

The Hon. E. Fulton

Minister of Transportation and Communications

1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTES

SECTION 1. The definition of a peace officer, for purposes of the Act, is being amended to exclude the reference to a municipal law enforcement officer.

SECTION 2. Subsection 2 (3) of the Act is recast to clarify the type of vehicles that do not receive the benefit of subsection 2 (2) of the Act. Subsection 2 (2) of the Act permits certain vehicles to be on the highway notwithstanding specified provisions of the *Highway Traffic Act*.

Bill 18

1986

An Act to amend the Off-Road Vehicles Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (h) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is amended by striking out “municipal law enforcement officer” in the second line.

2.—(1) Clause 2 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) on a highway, if the vehicle is designed to travel on more than two wheels and the driver is,

(i) a farmer using the vehicle for agricultural purposes, or

(ii) a person licensed under the *Game and Fish Act* to hunt or trap fur-bearing animals while using the vehicle for hunting or trapping fur-bearing animals,

R.S.O. 1980,
c. 182

and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

(2) Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, a self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to an off-road vehicle designated by regulation as a vehicle of a class of off-road vehicle that is exempt from section 3 of this Act.

Application

R.S.O. 1980,
c. 198

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

4. The short title of this Act is the *Off-Road Vehicles Amendment Act, 1986*.

Bill 18

2ND SESSION, 33RD LEGISLATURE, ONTARIO

35 ELIZABETH II, 1986

Bill 18

*(Chapter 54
Statutes of Ontario, 1986)*

An Act to amend the Off-Road Vehicles Act, 1983

The Hon. E. Fulton

Minister of Transportation and Communications



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 19th, 1986
<i>3rd Reading</i>	November 27th, 1986
<i>Royal Assent</i>	November 27th, 1986

Bill 18

1986

An Act to amend the Off-Road Vehicles Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (h) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is amended by striking out “municipal law enforcement officer” in the second line.

2.—(1) Clause 2 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) on a highway, if the vehicle is designed to travel on more than two wheels and the driver is,

(i) a farmer using the vehicle for agricultural purposes, or

(ii) a person licensed under the *Game and Fish Act* to hunt or trap fur-bearing animals while using the vehicle for hunting or trapping fur-bearing animals,

R.S.O. 1980,
c. 182

and the vehicle or a vehicle drawn by it bears a slow moving vehicle sign.

(2) Subsection 2 (3) of the said Act is repealed and the following substituted therefor:

(3) Subsection (2) does not apply to a motorcycle with a side car, a farm tractor, a self-propelled implement of husbandry or a road-building machine as defined in the *Highway Traffic Act* or to an off-road vehicle designated by regulation as a vehicle of a class of off-road vehicle that is exempt from section 3 of this Act.

Application

R.S.O. 1980,
c. 198

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Off-Road Vehicles Amendment Act, 1986*.

A20N
B
56

Bill 19

An Act to relieve Persons from Liability in respect of voluntary Emergency Medical and First Aid Services

Mr. Haggerty

1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

Bill 19

1986

**An Act to relieve Persons from Liability
in respect of voluntary Emergency
Medical and First Aid Services**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“physician” means a medical practitioner licensed under Part III of the *Health Disciplines Act*;

R.S.O. 1980,
c. 196

“registered nurse” means a person who is the holder of a certificate as a registered nurse issued under Part IV of the *Health Disciplines Act*.

2. Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other emergency,

Relief
from
liability
for
damages

- (a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and the services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause (a) voluntarily renders emergency first aid assistance and the assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his or her part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by the gross negligence of the physician, registered nurse or other person.

Act does
not apply
to normal
medical
services

3. Nothing in section 2 shall be construed to relieve a physician from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Good Samaritan Act, 1986*.

CA20N
KB
-B 56

Bill 20

An Act to ensure the Regeneration and Reforestation of Forests in Ontario

Mr. Foulds

1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

The purpose of the Bill is to require the Ministry of Natural Resources to prepare a forest resource analysis and forest resource program at regular intervals to assist in ensuring the wise management of forest resources in Ontario.

The Bill also makes it a duty of the Minister to ensure that the forest resources of Ontario are managed on a sustained yield basis.

Bill 20

1986

**An Act to ensure the
Regeneration and Reforestation of Forests in Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Minister” means the Minister of Natural Resources;

“Ministry” means the Ministry of Natural Resources;

“sustained yield” means the growth of timber that a forest can produce and that can be cut to achieve a continuous approximate balance between growth of timber and timber cut.

2. It is the duty of the Minister to ensure that the forest resources of Ontario are managed on a sustained yield basis.

Duty

3.—(1) Not later than the 31st day of October, 1986, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource analysis containing,

Forest
resource
analysis

(a) a description of the inventory of the forest resources in Ontario;

(b) a description of the location and extent of areas of forest land in Ontario that,

(i) have been denuded of timber through harvesting or otherwise and have not been restocked with commercially valuable species of timber, or

(ii) are producing timber at a rate that is substantially lower than their potential;

- (c) a description of the programs of the Ministry respecting public and private forest management, protection, conservation, investment and research;
- (d) an analysis of trends in and a forecast of,
 - (i) domestic and international demand for and uses of the forest resources in Ontario and products manufactured therefrom, and
 - (ii) the supply of the forest resources in Ontario and products manufactured therefrom in relation to the supply from areas outside Ontario; and
- (e) a summary of developments in and questions of public policy that are expected to influence significantly and to affect the use, ownership, licensing and management of forest resources.

Subsequent
analyses

(2) An analysis referred to in subsection (1) shall be prepared and submitted to the Lieutenant Governor in Council at least once in every ten year period following the date that the initial analysis is prepared and submitted.

Forest
resource
program

4.—(1) Not later than the 31st day of October, 1986, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource program containing,

- (a) a presentation of the alternatives available for re-stocking forest land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, identifying,
 - (i) the estimated capital and current expenditures associated with each alternative,
 - (ii) the estimated effect of each alternative on the productivity of the resources,
 - (iii) the estimated direct and indirect economic and social benefits and costs associated with each alternative, and
 - (iv) an assessment of the priorities that should be given to each alternative; and
- (b) a program recommended to be implemented by the Ministry during the five year period beginning on the 1st day of April, 1987, for re-stocking forest

land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, including,

- (i) a schedule for implementing the program,
- (ii) the method to be used and priorities adopted for implementing the program, and
- (iii) the respective roles to be played by the Crown and the private sector in implementing the program.

(2) A program referred to in subsection (1) shall be prepared and submitted to the Lieutenant Governor in Council at least once in every five year period following the date that the initial program is prepared and submitted.

Subsequent
programs

5. When the Minister submits a forest resource analysis and forest resource program to the Lieutenant Governor in Council, the Minister shall lay a copy of the analysis or program before the Assembly if it is in session or, if not, at the next ensuing session.

Tabling
in Assembly

6.—(1) The Minister shall submit to the Lieutenant Governor in Council an annual report concerning the work performed by the Ministry in respect of the forest resource analysis and forest resource program referred to in sections 2 and 3 and the Minister shall then lay a copy of the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

(2) The annual report shall include,

Idem

- (a) a review of the forest resource program then in effect, a statement of the expenditures incurred to implement it, an assessment of the effect it has had on the productivity of forest resources in the Province and an analysis of the direct and indirect economic and social benefits and costs associated with its implementation; and
- (b) a summary of forest land in the Province, showing areas denuded of forest during the year, areas restocked during the year and areas the productivity of which has been improved during the year.

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

8. The short title of this Act is the *Forest Resource Management Act, 1986*.

CA20N
XB
-B 56

Bill 21

An Act to amend the Animals for Research Act

Mr. Philip

1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent



EXPLANATORY NOTE

Under the present law, the operator of a pound may not destroy a dog or cat in the pound without first satisfying any requests for purchase of the dog or cat for research. The amendment would empower local municipalities to pass a by-law authorizing an operator to destroy a dog or cat without satisfying such a request.

Bill 21

1986

An Act to amend the Animals for Research Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 20 of the *Animals for Research Act*, being chapter 22 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(6a) The council of a local municipality may by by-law authorize operators of pounds to destroy or cause or permit to be destroyed any dog or cat that has been impounded in a pound without satisfying any requests referred to in clause (6) (c) from operators of research facilities and the council shall file a copy of any such by-law with the Director.

Exception
where there
is by-law

(2) Clause 20 (7) (c) of the said Act is repealed and the following substituted therefor:

- (c) the dog or cat has been impounded in the pound for the redemption period and,
 - (i) the operator of the pound has satisfied all requests referred to in clause (6) (c) from operators of research facilities, or
 - (ii) the council of the local municipality has passed a by-law under subsection (6a) authorizing the operator to destroy or cause or permit to be destroyed any dog or cat without satisfying any such requests; or

(3) Subclause 20 (7) (d) (ii) of the said Act is repealed and the following substituted therefor:

- (ii) the operator has satisfied all requests referred to in clause (6) (c) from operators of research facilities or the council of the local municipal-

ity has passed a by-law under subsection (6a) authorizing the operator to destroy or cause or permit to be destroyed any dog or cat without satisfying any such requests.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Animals for Research Amendment Act, 1986*.

CA20N

XB

-B 56

Bill 22

An Act to amend certain Acts respecting Regional Municipalities

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities as follows:

	Section
Durham.....	1
Haldimand-Norfolk.....	2
Halton	3
Hamilton-Wentworth	4
Niagara	5
Ottawa-Carleton	6
Peel.....	7
Sudbury.....	8
Waterloo	9
York.....	10

Paragraph 1 describes amendments that are common to all ten of the regional municipalities.

Paragraphs 2 to 7 describe amendments related only to the regional municipalities named in the particular paragraphs.

1. All Regional Municipalities.

Subsections 1 (4), 2 (1), 3 (1), 4 (1), 5 (1), 6 (1), 7 (1), 8 (1), 9 (4) and 10 (4).

Under each Act, certificates of qualification must be filed with the clerk of the Regional Corporation by some or all of the members of the Regional Council. The requirement varies from Act to Act. The proposed amendment standardizes the requirement in each of the Acts and clarifies that it is the clerks of the area municipalities who must give the certificates.

Subsections 1 (6), 2 (2), 3 (2), 4 (2), 5 (2), 6 (2), 7 (2), 8 (2), 9 (6) and 10 (6).

The subsection that will be repealed relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

Subsections 1 (7), 2 (4), 3 (4), 4 (3), 5 (3), 6 (8), 7 (3), 8 (3), 9 (7) and 10 (8).

At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of a Regional Corporation at a public meeting of the Regional Council. The proposed amendment deletes the requirement that the selection by lot be held at a meeting of the Regional Council and permits the Regional Council to prescribe the manner of making the selection.

Subsections 1 (8), 2 (5), 3 (5), 4 (5), 5 (4), 6 (9), 7 (4), 8 (4), 9 (8) and 10 (9).

The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

2. Regional Municipalities of Haldimand-Norfolk, Halton and York.

Subsections 2 (3), 3 (3) and 10 (7). At present, all by-laws related to the regulation of traffic on the roads under the jurisdiction of the area municipalities, except parking by-laws, must be approved by the Regional Council. The proposed amendments allow the Regional Councils to exempt area municipalities from this requirement.

3. Regional Municipality of Durham.

Subsections 1 (1), (2), (3) and (5). The amendments increase the representation of the towns of Ajax and Whitby on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

4. Regional Municipality of Hamilton-Wentworth.

Subsection 4 (4). Section 110, which relates to licensing powers, is added as a section of the *Municipal Act* that applies to the Regional Corporation.

Subsection 4 (6). It is proposed that the Regional Corporation be given the power to license the contractors and master tradespersons listed in the proposed subsection 134a (1).

Subsection 4 (7). The proposed amendment authorizes the Regional Council to permit the City of Hamilton to develop and sell industrial sites in the described areas and to expend money for publicity related thereto.

5. Regional Municipality of Ottawa-Carleton.

Subsections 6 (3), (4), (5) and (6). The amendments relate to public transportation in the Regional Area. Under the amendments,

- (a) the real property of the Commission and the Regional Corporation used for rapid transit purposes will be exempted from business and property taxes;
- (b) private roads and ways are included in the list of things that may be established and maintained by the Regional Corporation for the purposes of providing a system of public transportation;
- (c) the Regional Corporation will be able to exercise, throughout the Regional Area, its powers to contract, repair, maintain, operate, manage and control private roads and ways and other structures and works related to any system of passenger transport; and
- (d) the Regional Corporation will be authorized to pass by-laws to prohibit or regulate vehicles, conveyances, persons and animals from or on private roads and ways used for passenger transit.

Subsection 6 (7). The proposed amendments dissolve the existing health unit and board of health, as of a day to be named by proclamation, and give the powers, rights and duties of a board of health to the Regional Corporation. The employees of the board will become employees of the Regional Corporation.

Subsection 6 (10). The proposed section 165 provides for the appointment of a regional fire co-ordinator and for the development and implementation of an emergency fire service plan for the Regional Area.

Subsection 6 (11). The proposed section 181a authorizes the Regional Corporation to establish and maintain facilities for the recovery, manufacture and production of energy and other products from sewage and other waste. The section also authorizes the distribution and sale of the energy or other products so recovered, manufactured or produced.

6. Regional Municipality of Waterloo.

Subsection 9 (1). The proposed amendment clarifies the boundary line between the City of Kitchener and the Township of Wilmot.

Subsections 9 (2), (3) and (5). The amendments increase the representation of the City of Waterloo on the Regional Council by one member. The quorum for the Regional Council is increased by one member.

7. Regional Municipality of York.

Subsections 10 (1), (2), (3) and (5). The amendments increase the representation of the towns of Markham and Vaughan on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

Bill 22

1986

**An Act to amend certain Acts
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

.

5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.

(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

.

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of qualifi-
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".

(6) Subsection 21 (4) of the said Act is repealed.

(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of
area
municipalities
regulating
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALTON

3.—(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of amendment or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws not affected

(4) Clause 104 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application of R.S.O. 1980, c. 65

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

4.—(1) Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates of qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing
contractors
and master
tradespersons

134a.—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;

- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation
of
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area
municipality's
by-laws
inoperative

(7) Section 136 of the said Act is amended by adding thereto the following subsection:

Idem

R.S.O. 1980,
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

REGIONAL MUNICIPALITY OF NIAGARA

5.—(1) Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

6.—(1) Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the

clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 24 (4) of the said Act is repealed.

(3) Section 77 of the said Act is amended by adding thereto the following subsections:

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax
exemption

R.S.O. 1980,
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed
exemption

(4) Subsection 78 (1) of the said Act is amended by striking out “such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area” in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof “such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area”.

(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:

(2) Without limiting the generality of subsection (1),

General
powers

- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:

prohibiting
and
regulating
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:

Health unit
and board
dissolved

106.—(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of
board
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.

(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application
of
s. 28 (2, 3,
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

(10) The said Act is amended by adding thereto the following section:

165. The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

181a.—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products
from
industrial
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309 not to
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

REGIONAL MUNICIPALITY OF PEEL

7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF SUDBURY

8.—(1) Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF WATERLOO

9.—(1) Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;

THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

.

(2) Subsection 6 (1) of the said Act is amended by striking out “twenty-five” in the first line and inserting in lieu thereof “twenty-six”.

(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out “Thirteen” in the first line and inserting in lieu thereof “Fourteen”.

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF YORK

10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

.

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out “eighteen” in the first line and inserting in lieu thereof “twenty”.

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

(b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

.

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively

do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(8) Clause 135 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

11.—(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5), subsections 9 (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1985.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1985 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition
R.S.O. 1980,
c. 308

12. The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title

Bill 22

An Act to amend certain Acts respecting Regional Municipalities

The Hon. B. Grandmaître
Minister of Municipal Affairs

1st Reading April 22nd, 1986
2nd Reading April 22nd, 1986
3rd Reading
Royal Assent



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill amends the ten Acts that govern the regional municipalities as follows:

	Section
Durham.....	1
Haldimand-Norfolk.....	2
Halton	3
Hamilton-Wentworth	4
Niagara	5
Ottawa-Carleton	6
Peel.....	7
Sudbury.....	8
Waterloo	9
York.....	10

Paragraph 1 describes amendments that are common to all ten of the regional municipalities.

Paragraphs 2 to 7 describe amendments related only to the regional municipalities named in the particular paragraphs.

1. All Regional Municipalities.

Subsections 1 (4), 2 (1), 3 (1), 4 (1), 5 (1), 6 (1), 7 (1), 8 (1), 9 (4) and 10 (4).

Under each Act, certificates of qualification must be filed with the clerk of the Regional Corporation by some or all of the members of the Regional Council. The requirement varies from Act to Act. The proposed amendment standardizes the requirement in each of the Acts and clarifies that it is the clerks of the area municipalities who must give the certificates.

Subsections 1 (6), 2 (2), 3 (2), 4 (2), 5 (2), 6 (2), 7 (2), 8 (2), 9 (6) and 10 (6).

The subsection that will be repealed relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

Subsections 1 (7), 2 (4), 3 (4), 4 (3), 5 (3), 6 (8), 7 (3), 8 (3), 9 (7) and 10 (8).

At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of a Regional Corporation at a public meeting of the Regional Council. The proposed amendment deletes the requirement that the selection by lot be held at a meeting of the Regional Council and permits the Regional Council to prescribe the manner of making the selection.

Subsections 1 (8), 2 (5), 3 (5), 4 (5), 5 (4), 6 (9), 7 (4), 8 (4), 9 (8) and 10 (9).

The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

2. Regional Municipalities of Haldimand-Norfolk, Halton and York.

Subsections 2 (3), 3 (3) and 10 (7). At present, all by-laws related to the regulation of traffic on the roads under the jurisdiction of the area municipalities, except parking by-laws, must be approved by the Regional Council. The proposed amendments allow the Regional Councils to exempt area municipalities from this requirement.

3. Regional Municipality of Durham.

Subsections 1 (1), (2), (3) and (5). The amendments increase the representation of the towns of Ajax and Whitby on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

4. Regional Municipality of Hamilton-Wentworth.

Subsection 4 (4). Section 110, which relates to licensing powers, is added as a section of the *Municipal Act* that applies to the Regional Corporation.

Subsection 4 (6). It is proposed that the Regional Corporation be given the power to license the contractors and master tradespersons listed in the proposed subsection 134a (1).

Subsection 4 (7). The proposed amendment authorizes the Regional Council to permit the City of Hamilton to develop and sell industrial sites in the described areas and to expend money for publicity related thereto.

5. Regional Municipality of Ottawa-Carleton.

Subsections 6 (3), (4), (5) and (6). The amendments relate to public transportation in the Regional Area. Under the amendments,

- (a) the real property of the Commission and the Regional Corporation used for rapid transit purposes will be exempted from business and property taxes;
- (b) private roads and ways are included in the list of things that may be established and maintained by the Regional Corporation for the purposes of providing a system of public transportation;
- (c) the Regional Corporation will be able to exercise, throughout the Regional Area, its powers to contract, repair, maintain, operate, manage and control private roads and ways and other structures and works related to any system of passenger transport; and
- (d) the Regional Corporation will be authorized to pass by-laws to prohibit or regulate vehicles, conveyances, persons and animals from or on private roads and ways used for passenger transit.

Subsection 6 (7). The proposed amendments dissolve the existing health unit and board of health, as of a day to be named by proclamation, and give the powers, rights and duties of a board of health to the Regional Corporation. The employees of the board will become employees of the Regional Corporation.

Subsection 6 (10). The proposed section 165 provides for the appointment of a regional fire co-ordinator and for the development and implementation of an emergency fire service plan for the Regional Area.

Subsection 6 (11). The proposed section 181a authorizes the Regional Corporation to establish and maintain facilities for the recovery, manufacture and production of energy and other products from sewage and other waste. The section also authorizes the distribution and sale of the energy or other products so recovered, manufactured or produced.

6. Regional Municipality of Waterloo.

Subsection 9 (1). The proposed amendment clarifies the boundary line between the City of Kitchener and the Township of Wilmot.

Subsections 9 (2), (3) and (5). The amendments increase the representation of the City of Waterloo on the Regional Council by one member. The quorum for the Regional Council is increased by one member.

7. Regional Municipality of York.

Subsections 10 (1), (2), (3) and (5). The amendments increase the representation of the towns of Markham and Vaughan on the Regional Council by one member each. The quorum for the Regional Council is increased by one member.

Bill 22

1986

**An Act to amend certain Acts
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

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5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.

(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

.

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of qualifi-
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".

(6) Subsection 21 (4) of the said Act is repealed.

(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of
area
municipalities
regulating
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALTON

3.—(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(4) Clause 104 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

4.—(1) Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing
contractors
and master
tradespersons

134a.—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;

- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation
of
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area
municipality's
by-laws
inoperative

(7) Section 136 of the said Act is amended by adding thereto the following subsection:

Idem

R.S.O. 1980,
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

REGIONAL MUNICIPALITY OF NIAGARA

5.—(1) Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

6.—(1) Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the

clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 24 (4) of the said Act is repealed.

(3) Section 77 of the said Act is amended by adding thereto the following subsections:

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax
exemption

R.S.O. 1980,
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed
exemption

(4) Subsection 78 (1) of the said Act is amended by striking out “such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area” in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof “such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area”.

(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:

(2) Without limiting the generality of subsection (1),

General
powers

- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:

prohibiting
and
regulating
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:

Health unit
and board
dissolved

106.—(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of
board
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.

(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application
of
s. 28 (2, 3,
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

(10) The said Act is amended by adding thereto the following section:

165. The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

181a.—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products
from
industrial
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309 not to
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

REGIONAL MUNICIPALITY OF PEEL

7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF SUDBURY

8.—(1) Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF WATERLOO

9.—(1) Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;

THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

(2) Subsection 6 (1) of the said Act is amended by striking out "twenty-five" in the first line and inserting in lieu thereof "twenty-six".

(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out “Thirteen” in the first line and inserting in lieu thereof “Fourteen”.

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF YORK

10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

.

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out “eighteen” in the first line and inserting in lieu thereof “twenty”.

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

(b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively

do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(8) Clause 135 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

11.—(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1988.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1988 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition
R.S.O. 1980,
c. 308

12. The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title

Bill 22

*(Chapter 46
Statutes of Ontario, 1986)*

An Act to amend certain Acts respecting Regional Municipalities

The Hon. B. Grandmaître
Minister of Municipal Affairs



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	April 22nd, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

Bill 22**1986**

**An Act to amend certain Acts
respecting Regional Municipalities**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

REGIONAL MUNICIPALITY OF DURHAM

1.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Ajax—Except as may be provided under subsection (2), seven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.

.

5. The Town of Whitby—Except as may be provided under subsection (2), seven members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.

(2) Section 7 of the said Act is amended by striking out “thirty-one” in the first line and inserting in lieu thereof “thirty-three”.

(3) Clauses 7 (c) and (f) of the said Act are repealed and the following substituted therefor:

- (c) two members of the council of the area municipality of the Town of Ajax who have been elected as members of the Regional Council and of the council of such area municipality;

.

- (f) three members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 9 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of qualifi-
cation

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 11 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".

(6) Subsection 21 (4) of the said Act is repealed.

(7) Clause 111 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(8) Subsection 129 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

2.—(1) Subsection 9 (3) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act is repealed and the following substituted therefor:

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

By-laws of
area
municipalities
regulating
traffic

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exceptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

Exemptions

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(4) Clause 93 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(5) Subsection 111 (7) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF HALTON

3.—(1) Subsection 9 (3) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Subsection 39 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, Schedule, item 14, is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities

as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(4) Clause 104 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(5) Subsection 122 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

4.—(1) Subsection 8 (3) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 115 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 133 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 72, section 24, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 104a, 105, 106, 109, 110, 113, 114, 115, 116, 117, 121, 122 and 128, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(5) Subsection 133 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

(6) The said Act is amended by adding thereto the following section:

Licensing
contractors
and master
tradespersons

134a.—(1) The Regional Council may pass by-laws for examining, licensing, regulating and governing,

- (a) building repair contractors;
- (b) drain repair contractors;
- (c) electrical contractors;
- (d) explosives contractors;
- (e) heating, air conditioning and ventilation contractors;
- (f) plumbing contractors;
- (g) master building repairers;
- (h) master drain installers;
- (i) master electricians;

- (j) masters of explosives;
- (k) master plumbers; and
- (l) master warm air heating, air conditioning and ventilation installers.

(2) A by-law passed under subsection (1),

Idem

- (a) may require, as a condition of granting a licence to a master tradesperson mentioned in that subsection, that the master tradesperson have a permanent place of business in Ontario;
- (b) may exempt from any or all of the examination requirements set out in the by-law any applicant who holds such evidence of qualification as may be prescribed in the by-law;
- (c) may define the terms used in clauses (1) (a) to (l);
- (d) may provide for suspending or revoking a licence granted under the by-law; and
- (e) may provide for the payment to the area municipalities, in such manner as is set out in the by-law, any licence fees, or any portion thereof, collected by the Regional Corporation.

(3) The Regional Council, by by-law and on such terms and conditions as it considers desirable, may delegate to any area municipality the authority to enforce within that area municipality the provisions of a by-law passed under subsection (1).

Delegation
of
enforcement

(4) If an area municipality enforces a by-law passed under subsection (1) pursuant to a delegation made under subsection (3), any fine imposed as a result of the enforcement belongs to the area municipality.

Recovery on
fines

(5) A by-law passed by the council of an area municipality for licensing, regulating and governing any person mentioned in subsection (1) has no effect in respect of that person while there is in force a by-law passed by the Regional Council under subsection (1) for licensing, regulating and governing the same person in the same capacity.

Area
municipality's
by-laws
inoperative

(7) Section 136 of the said Act is amended by adding thereto the following subsection:

Idem

R.S.O. 1980,
c. 302

(2a) Notwithstanding subsection (2), the Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers desirable, the council of the City of Hamilton to exercise the powers conferred on the council of a municipality by paragraph 22 of section 208 and paragraph 50 of section 210 of the *Municipal Act* with respect to all or any part of those lands in the City of Hamilton described as follows:

1. Commencing at the south-eastern limit of Birch Avenue with its intersection of the northern limit of Brant Street;

Thence northeasterly along the south-eastern limit of the said Birch Avenue to its intersection with the southern limit of Burlington Street;

Thence easterly along the southern limits of Burlington Street to and across its intersections with Sherman Avenue, Alpha, Beta and Keele Streets to the northeast angle of Lot 54, according to Registered Plan No. 550;

Thence southerly along the eastern limit of lots 54 to 59, inclusive, according to Registered Plan No. 550 and its southerly production to its intersection with the southern limit of Canadian National Railways right-of-way;

Thence westerly along the southern limit of the said right-of-way to its intersection with the eastern limit of Lot 104, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 104 and 103, according to Registered Plan No. 159, and its southerly production to the northeast corner of Lot 54, according to Registered Plan No. 159;

Thence southerly along the eastern limit of lots 54, 53, 52 and 51, according to Registered Plan No. 159, to the south-east corner of the said Lot 51, said corner being a point in the northern limit of Imperial Street;

Thence easterly along the northern limit of Imperial Street to its intersection with the northerly production of the eastern limit of Lot 11, according to Registered Plan No. 159;

Thence southerly along the said northerly production to and along the eastern limit of Lot 11 to the southeast corner thereof;

Thence westerly along the southern limit of lots 11, 10, 9, 8, 7, 6, 5, 4, 3 and 1, being the southern limit of Registered Plan No. 159 and its westerly production to its intersection with the western limit of Sherman Avenue;

Thence northerly along the western limit of said Sherman Avenue to its intersection of the northern limit of Brant Street;

Thence westerly along the northern limit of Brant Street to the point of commencement.

2. Commencing at the north-east corner of Lot 80 according to Registered Plan No. 606;

Thence southerly along the eastern limit of the said Lot 80 and its southerly production to the southern limit of Biggar Avenue;

Thence westerly along the southern limit of Biggar Avenue to a point directly opposite and at right angles to the south-west corner of Lot 92, according to Registered Plan No. 606;

Thence northerly to the said south-west corner of Lot 92;

Thence northerly to a point in the northern limit of said Lot 92, said point being the northern limit of Registered Plan No. 606;

Thence easterly along the said northern limit, also the northern limit of lots 92, 91, 90, 89, 88, 87, 86, 85, 84, 83, 82, 81 and 80 to the point of commencement.

3. Lots 24, 25, 26, 27 and 97 and all of Lancaster Street immediately abutting lots 27 and 97;

Lots 1 to 19, inclusive, and lots 361 to 380, inclusive, and all of Birmingham Street and Leeds Street south of Burlington Street;

All according to Bright Side Survey registered in the Land Registry Office at Hamilton as Plan No. 453.

4. Lots 412 to 461, inclusive, according to Industrial Park Survey, registered in the Land Registry Office at Hamilton as Plan No. 584.

REGIONAL MUNICIPALITY OF NIAGARA

5.—(1) Subsection 8 (3) of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 143 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 161 (5) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

6.—(1) Subsection 11 (3) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the

clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 24 (4) of the said Act is repealed.

(3) Section 77 of the said Act is amended by adding thereto the following subsections:

(13) So long as any lands and easements owned by the Regional Corporation or by the Commission are used by the Regional Corporation or the Commission exclusively for the purpose of a subway, transitway or other rapid transit facility, or as car yards used directly in connection therewith, such lands and easements and the buildings, structures and other improvements thereon so used and so owned are exempt from business and real property taxation, and the Regional Corporation and the Commission are not liable for payments in lieu thereof under section 26 of the *Assessment Act*.

Tax
exemption

R.S.O. 1980,
c. 31

(14) Subsection (13) does not apply to concessions operated, rented or leased in transit stations.

Limitation

(15) The exemption provided by subsection (13) shall be deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*.

Deemed
exemption

(4) Subsection 78 (1) of the said Act is amended by striking out “such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area” in the sixteenth, seventeenth and eighteenth lines and inserting in lieu thereof “such private roads and ways and such other structures and works of every description as may be necessary or convenient in relation to the system of passenger transport including, without restricting the generality of the foregoing, such private roads and ways and such structures and works as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area”.

(5) Subsection 78 (2) of the said Act is repealed and the following substituted therefor:

(2) Without limiting the generality of subsection (1),

General
powers

- (a) the power given to the Regional Corporation under subsection (1) to construct, repair, maintain, operate, manage and control private roads and ways and other structures and works may be exercised in relation to any system of passenger transport anywhere in the Regional Area; and
- (b) the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport.

(6) Subsection 78 (4) of the said Act is amended by adding thereto the following clause:

prohibiting
and
regulating
traffic

- (ia) prohibit or regulate vehicles and conveyances of every description and persons and animals from or on any private road or way established by the Regional Corporation or the Commission primarily for the use of transit vehicles.

(7) Sections 106, 107 and 108 of the said Act are repealed and the following substituted therefor:

Health unit
and board
dissolved

106.—(1) On the day this section comes into force, the Regional Area health unit and the Ottawa-Carleton Regional Board of Health are dissolved and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Ottawa-Carleton Regional Board of Health for the purposes of any agreements entered into, orders made or matters commenced by that Board and for the purposes of any proceedings which have been or may be instituted against that Board.

Powers of
board
of health

(2) The Regional Corporation has all the powers, rights and duties of a board of health.

Definition

(3) In subsections (4), (5) and (6), “offering date” means the day next preceding the day this section comes into force.

Offer of
employment

(4) The Regional Corporation shall offer to employ every person who on the offering date is employed by the Ottawa-Carleton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive, up to and including the 365th day following the offering date, a salary or wage of not less than what the person was receiving on the offering date.

(5) Subsections 28 (2), (3) and (6) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (4) as though such persons were employed on the offering date by a local board of a local municipality within the Regional Area.

Application
of
s. 28 (2, 3,
6)

(6) Where a person employed under subsection (4) was not employed under a collective agreement on the offering date, the Regional Corporation shall place to the credit of such person the sick leave credits standing to the person's credit on that date in the sick leave credit plan of the Ottawa-Carleton Regional Board of Health.

Sick leave
credits

(7) Nothing in subsections (4), (5) and (6) prevents the Regional Corporation from terminating the employment of an employee for cause.

Termination
of
employment

(8) Clause 134 (c) of the said Act is amended by striking out "at a public meeting of the Regional Council" in the third and fourth lines and inserting in lieu thereof "in such manner as may be prescribed by by-law of the Regional Council".

(9) Subsection 163 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

(10) The said Act is amended by adding thereto the following section:

165. The Regional Corporation shall appoint a regional fire co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement the plan and program.

Regional fire
co-ordinator

(11) The said Act is further amended by adding thereto the following section:

181a.—(1) The Regional Corporation may erect, maintain and operate buildings, structures, machinery or equipment for the purpose of recovering, manufacturing, producing, supplying, selling or distributing from sewage or other waste any product, resource, commodity, electrical power or energy, hot water or steam or any other form of energy and for such purposes may,

Products
from
industrial
waste

- (a) enter into agreements with any person;
- (b) carry on investigations, experiments, research or development;
- (c) construct and maintain pipes, apparatus and equipment on, over, under or across any highway or private property with the consent of the owner of such private property; and
- (d) acquire any patent or licence or any interest in any patent or licence, or dispose of any patent or licence by sale or otherwise.

R.S.O. 1980,
c. 309 not to
apply

(2) The *Municipal Franchises Act* does not apply to any act of the Regional Corporation under this section.

REGIONAL MUNICIPALITY OF PEEL

7.—(1) Subsection 9 (3) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(2) Subsection 21 (4) of the said Act is repealed.

(3) Clause 99 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 117 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

REGIONAL MUNICIPALITY OF SUDBURY

8.—(1) Subsection 8 (3) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

Certificates
of
qualification

(2) Subsection 20 (4) of the said Act is repealed.

(3) Clause 85 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the third and fourth lines and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(4) Subsection 103 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF WATERLOO

9.—(1) Clause 2 (1) (b) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out the following paragraph:

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

(which paragraph appears as the last paragraph on page 870 of Volume 7 of the said Revised Statutes) and inserting in lieu thereof the following paragraphs:

THENCE westerly along the southerly boundary of the said Township of Waterloo to the centre line of Trussler Road;

THENCE northerly along the centre line of Trusler Road to the northerly limit of the Regional Road Number 6;

THENCE easterly along the northerly limit of the said Regional Road 10 metres to the westerly limit of Lot 38 in the German Company Tract of the said Township of Waterloo;

THENCE northerly along the westerly limit of lots 38 and 39 of the said German Company Tract to the intersection of the line between lots 39 and 40 of the said German Company Tract;

(2) Subsection 6 (1) of the said Act is amended by striking out “twenty-five” in the first line and inserting in lieu thereof “twenty-six”.

(3) Clause 6 (1) (d) of the said Act is repealed and the following substituted therefor:

- (d) three members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council in any year, received the highest number of votes, and in the event that one or more of such members declines to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out “Thirteen” in the first line and inserting in lieu thereof “Fourteen”.

(6) Subsection 20 (4) of the said Act is repealed.

(7) Clause 133 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(8) Subsection 151 (5) of the said Act is repealed and the following substituted therefor:

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

REGIONAL MUNICIPALITY OF YORK

10.—(1) Paragraphs 2 and 5 of subsection 3 (1) of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

2. The Town of Markham—Twelve members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), eight members elected by wards.

.

5. The Town of Vaughan—Seven members, two of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by wards.

(2) Section 6 of the said Act is amended by striking out “eighteen” in the first line and inserting in lieu thereof “twenty”.

(3) Clauses 6 (b) and (e) of the said Act are repealed and the following substituted therefor:

- (b) four members of the council of the area municipality of the Town of Markham who have been elected

as members of the Regional Council and of the council of such area municipality;

- (e) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and of the council of such area municipality.

(4) Subsection 8 (3) of the said Act is repealed and the following substituted therefor:

Certificates
of
qualification

(3) Where a person is elected or appointed to represent an area municipality as a member of the Regional Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the Regional Corporation the name of each person who has been so elected or appointed, and the person shall not take the seat to which the person has become entitled until the clerk of the Regional Corporation has received such a certificate in respect of that person.

(5) Subsection 10 (1) of the said Act is amended by striking out "Ten" in the first line and inserting in lieu thereof "Eleven".

(6) Subsection 20 (4) of the said Act is repealed.

(7) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

By-laws of
area
municipalities
regulating
traffic

(1) Subject to subsection (1a), no by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality shall come into force until it has been approved by the Regional Council.

Exceptions

(1a) Subsection (1) does not apply to a by-law for the regulation of parking or to a by-law for which the Regional Council has provided under subsection (1b) that its approval is not required.

Exemptions

(1b) The Regional Council may pass by-laws to provide that such by-laws regulating traffic, or such class or classes thereof, as are specified in the by-law of the Regional Council and as may be passed by such one or more area municipalities as are specified in the by-law of the Regional Council do not require the approval of the Regional Council or alternatively

do not require the approval of the Regional Council if such terms and conditions as the Regional Council may specify in its by-law are complied with.

(1c) Where a by-law of the Regional Council passed under subsection (1b) is repealed or amended, the clerk of the Regional Corporation shall forthwith send a notice of the amendment or repeal by registered mail to the clerk of each area municipality affected by the repeal or amendment.

Notice of
amendment
or repeal

(1d) The repeal or amendment of a by-law passed by the Regional Council under subsection (1b) does not affect the validity of a by-law for regulating traffic passed by the council of an area municipality while an exemption under that subsection was in effect and the by-law of the area municipality continues in force until it is amended or repealed.

By-laws
not affected

(8) Clause 135 (c) of the said Act is amended by striking out “at a public meeting of the Regional Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the Regional Council”.

(9) Subsection 153 (6) of the said Act is repealed and the following substituted therefor:

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Application
of
R.S.O. 1980,
c. 65

11.—(1) Except as provided in subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Subsections 6 (7) and (10) come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Subsections 1 (1), (2), (3) and (5) and subsections 10 (1), (2), (3) and (5) come into force on the 1st day of December, 1988.

Idem

(4) Notwithstanding subsection (3), the regular elections to be held in 1988 under the *Municipal Elections Act* in the municipalities to which the subsections named in subsection (3) relate shall be conducted as if those subsections were in force.

Transition
R.S.O. 1980,
c. 308

12. The short title of this Act is the *Regional Municipalities Amendment Act, 1986*.

Short title

CA20N
XB
-B 56

Bill 23

An Act to amend certain Acts in relation to Line Fences

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

SECTION 1.—Subsections 1 and 2. The proposed definitions of “appeals division” and “referee” are complementary to the proposed changes to the appeals procedures under the Act which are set out in sections 7 and 12 of the Bill.

Subsection 3. The proposed subsection 1 (4) of the Act provides that a condominium corporation and not the unit owners shall be deemed to be the owner of land for the purposes of the Act. Any payments made by a condominium corporation as a result of the operation of the Act will be collected as common expenses.

SECTION 2. At present, fence-viewers may only be paid on a *per diem* basis. The proposed re-enactment of section 2 will enable local municipalities to fix the remuneration of the fence-viewers on a daily or hourly rate or for each attendance or reattendance.

SECTION 3. Under the proposed amendment to subsection 4 (1) of the Act, owner’s desiring fence-viewers to attend at their lands will be required to give notice in the prescribed form to the municipal clerk. At present, there is no requirement that the notice be in a particular form.

SECTION 4. The proposed section 4a authorizes the municipal clerk to postpone proceedings that require the attendance or reattendance of fence-viewers if in the clerk’s opinion weather conditions or ground conditions make it impracticable to attend or reattend at an arbitration or other proceeding. In addition, municipalities will be authorized to postpone proceedings during the winter months.

SECTION 5. Subsection 7 (2) of the Act sets out certain matters that must be considered by the fence-viewers in making their award. The proposed re-enactment provides that the benefit to both owners of having the boundary between their lands marked by a fence must, in addition to the other matters set out, be considered by the fence-viewers.

SECTION 6. The proposed amendment to section 8 deems a copy of an award to have been received by the intended recipient seven days after it is mailed to the person.

SECTION 7. The re-enactment of section 9 abolishes the present appeal procedure before a judge of the small claims court and replaces it with an appeal to a referee. Under the proposed sections 25a and 25b of the Act, as set out in section 12 of the Bill, the Lieutenant Governor in Council will establish one or more appeals divisions in the province. There will be one referee and, if necessary, one or more deputy referees for each appeals division. The clerk of the local municipality in which the lands that are the subject of the appeal are situate will be the clerk for an appeal.

The appeal will be heard in a room supplied by the local municipality. The local municipality will supply support services related to an appeal. The Ministry of Municipal Affairs and Housing will supply additional support services.

SECTIONS 8 and 9. The re-enactment of subsection 13 (8) and the amendments to subsection 14 (1) delete references to “fees” and insert references to the “cost of the proceedings”. This is consistent with the language used in clause 7 (1) (e) of the Act.

SECTION 10. The proposed section 16a will allow a municipality to recover from the parties its reasonable administrative expenses in relation to proceedings under the Act.

SECTION 11. The amendment clarifies that the fence-viewers duties in relation to unopened road allowances are not extinguished by section 24 which provides that the Act does not apply to public highways.

SECTION 12. At present, section 24 provides that the Act does not apply to public highways. The re-enactment of section 24 extends this exclusion to reserves abutting public highways. The proposed subsection 24 (2) will permit a municipality to enter agree-

ments with abutting owners to erect fences to mark the boundary between a public highway and abutting lands.

Section 25 of the Act provides that the Act does not apply in a municipality if a by-law passed under paragraph 20 of section 210 of the *Municipal Act* is in force in a municipality. The re-enactment is complementary to an amendment to that paragraph of the *Municipal Act* which is set out in section 14 of the Bill and has the effect of restricting the exemption to only those lands in a municipality that are the subject of a by-law passed under the said paragraph 20.

The proposed sections 25a and 25b are described above (see section 7).

SECTION 13. The re-enactment of section 27 of the Act sets out new regulation making powers. The new powers are complementary to the amendments set out in sections 7, 8, 9, 10 and 12 of the Bill.

SECTION 14. Paragraph 20 of section 210 of the *Municipal Act* authorizes municipalities to pass by-laws related to the apportionment and recovery of the costs of line fences. The proposed amendment will permit a municipality to designate areas in the municipality where such a by-law is to operate.

Bill 23

1986

**An Act to amend certain Acts
in relation to Line Fences**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (a) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) “appeals division” means an appeals division established under this Act;
- (aa) “Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom the administration of this Act is assigned.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:

- (ca) “referee” means a referee appointed under this Act.

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

Condominium
corporations
R.S.O. 1980,
c. 84

- (a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

- (b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation.

2. Section 2 of the said Act is repealed and the following substituted therefor:

Appointment
of
fence-viewers

2. The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers.

3. Subsection 4 (1) of the said Act is amended by inserting after “notify” in the seventh line “in the prescribed form”.

4. The said Act is amended by adding thereto the following section:

Postponement
of view

4a.—(1) Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
- (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.

Winter
months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law.

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-

viewers during the period set out in the by-law shall be postponed until the expiry of the period.

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. Idem

5. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. Matters to be considered

6. Section 8 of the said Act is amended by adding thereto the following subsection:

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. When award received

7.—(1) Sections 9 and 10 of the said Act are repealed and the following substituted therefor:

9.—(1) An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. Appeal

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. Notice to referee, etc.

Notice of
hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4.

Powers of
referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs.

Decision
of referee
to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Indemnity
for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Where land
in more than
one appeals
division

(8) Notwithstanding subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard.

Copy of
decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister.

Payment to
Treasurer of
Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario.

(2) Where, before the coming into force of this section, copies of the notices of appeal and the affidavits mentioned in subsection 9 (1) of the said Act, as that subsection read immediately before the coming into force of this section, were filed with the clerk of the small claims court, the appeal shall be heard and disposed of in accordance with the said Act as it read immediately before the coming into force of this section.

8. Subsection 13 (8) of the said Act is repealed and the following substituted therefor:

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining

owner or the other owner or that a specified portion of the costs be paid by each of them.

9. Subsection 14 (1) of the said Act is amended by striking out “fees of the fence-viewers” in the twelfth line and inserting in lieu thereof “costs of the proceedings” and by striking out “fees” in the fourteenth line and inserting in lieu thereof “costs”.

10. The said Act is further amended by adding thereto the following section:

16a.—(1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed.

Adminis-
trative
fees of
municipality

(2) Subsections 17 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1).

Idem

11. Subsection 18 (1) of the said Act is amended by adding at the commencement thereof “Notwithstanding section 24”.

12. Sections 24 and 25 of the said Act are repealed and the following substituted therefor:

24.—(1) Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway.

Act does not
apply to
public
highways

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 22 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands.

Agreements
under
subs. 22 (3)

25. This Act does not apply to land where the land is in an area that is subject to a by-law passed under paragraph 20 of section 210 of the *Municipal Act*.

Effect of by-
law under
section 210,
par. 20 of
R.S.O. 1980,
c. 302

25a.—(1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division.

Appeals
divisions

Appointment
of referee

(2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division.

Deputy
referees

(3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment.

Additional
jurisdiction

(4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division.

Assignment
of hearings

(5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed.

Remuneration

(6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses.

Clerk on
hearing of
appeals

25b.—(1) The clerk of the municipality in which an appeal is filed under section 9 shall be the clerk for the purposes of an appeal under that section.

Support
services

(2) The corporation of the municipality in which an appeal is filed under section 9 shall provide a suitable room for holding the hearing and shall provide all necessary stenographic and other support services as may be required for the purposes of the appeal.

Idem

(3) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister.

13. Section 27 of the said Act is repealed and the following substituted therefor:

Regulations

27. The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;

- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 16a;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act.

14. Paragraph 20 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law.

15. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

16. The short title of this Act is the *Line Fences Amendment Act, 1986*. Short title

Bill 23

*(Chapter 47
Statutes of Ontario, 1986)*

An Act to amend certain Acts in relation to Line Fences

The Hon. B. Grandmaître
Minister of Municipal Affairs



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 13th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

Bill 23

1986

**An Act to amend certain Acts
in relation to Line Fences**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (a) of the *Line Fences Act*, being chapter 242 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

- (a) “appeals division” means an appeals division established under this Act;
- (aa) “Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council to whom the administration of this Act is assigned.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:

- (ca) “referee” means a referee appointed under this Act.

(3) Section 1 of the said Act is amended by adding thereto the following subsection:

(4) Where a declaration has been registered under the *Condominium Act*, the condominium corporation and not the owners of the individual units shall be deemed to be the owner of the land described in the declaration for the purposes of this Act and,

Condominium
corporations
R.S.O. 1980,
c. 84

- (a) any payments the condominium corporation may be responsible for under this Act, including the costs of any proceeding, is a common expense for the purposes of the *Condominium Act*; and

- (b) any payment to be made to the condominium corporation under this Act is an asset of the condominium corporation.

2. Section 2 of the said Act is repealed and the following substituted therefor:

Appointment
of
fence-viewers

2. The council of every local municipality shall by by-law appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the remuneration to be paid to the fence-viewers and the remuneration may be fixed on an hourly or daily rate or a rate for each attendance or reattendance by the fence-viewers.

3. Subsection 4 (1) of the said Act is amended by inserting after “notify” in the seventh line “in the prescribed form”.

4. The said Act is amended by adding thereto the following section:

Postponement
of view

4a.—(1) Where a day has been named under this Act for an arbitration or other proceeding requiring the attendance or reattendance of the fence-viewers, other than an appeal before the referee, the clerk of the municipality may postpone the arbitration or other proceeding to another day if in the clerk's opinion weather conditions or ground conditions make it impracticable for the arbitration to be held on the day originally named for the attendance or reattendance and where there is a postponement, the clerk shall forthwith,

- (a) give notice of the postponement to the persons entitled to receive notice of the original attendance or reattendance; and
- (b) give new notices in the same manner to the persons who were entitled to receive notice of the original attendance or reattendance naming a day for the arbitration or other proceeding that is not later than fifteen days after the previous day so named.

Winter
months

(2) The council of every local municipality may provide by by-law that no arbitration or other proceeding requiring the attendance or reattendance of fence-viewers shall be scheduled between the 1st day of November and the 31st day of March in the next following year or during such shorter period between those dates as may be set out in the by-law.

Idem

(3) Where a by-law has been passed under subsection (2), a proceeding requiring the attendance or reattendance of fence-

viewers during the period set out in the by-law shall be postponed until the expiry of the period.

(4) A by-law passed under subsection (2) does not apply to an appeal before a referee. Idem

5. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be located, the benefit to both owners of having the boundary between their lands marked by a fence and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. Matters to be considered

6. Section 8 of the said Act is amended by adding thereto the following subsection:

(3) Unless otherwise proven, the copy of the award shall be deemed to have been received by those persons mentioned in subsection (1) seven days after the mailing of the award. When award received

7.—(1) Sections 9 and 10 of the said Act are repealed and the following substituted therefor:

9.—(1) An owner dissatisfied with the award may appeal therefrom to the referee for the appeals division in which the land is situate by serving on the owner or occupant of the adjoining land, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of the notice together with an affidavit of service of the notice in the prescribed form with, and by paying the prescribed fees to, the clerk of the local municipality in which the land is situate within that period. Appeal

(2) A notice under subsection (1) shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits and the payment of the fees mentioned in subsection (1), the clerk shall forthwith notify the referee for the appeals division of the appeal and the referee shall forthwith fix the time and place for the hearing of the appeal and advise the clerk of the time and place so fixed. Notice to referee, etc.

Notice of
hearing

(4) The clerk shall cause notice of the time and place of the appeal to be served on the person served with a notice under subsection (1) and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice under section 4.

Powers of
referee

(5) The referee shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of the costs of the proceedings by either party and fix the amount of the costs.

Decision
of referee
to be final

(6) The decision of the referee is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Indemnity
for costs

(7) The referee may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Where land
in more than
one appeals
division

(8) Notwithstanding subsections (1) and (3), when the award affects land in two or more appeals divisions, the appeal may be to the referee of the appeals division in which any part of the land is situate and in such case the documents mentioned in subsection (1) shall be filed with the clerk of the municipality in the appeals division in which the appeal is to be heard.

Copy of
decision

(9) The clerk shall send by registered mail a copy of the referee's final decision and order, if any, in the proceedings to the parties at their last known addresses and to the Minister.

Payment to
Treasurer of
Ontario

(10) The fees mentioned in subsection (1) shall be paid over by the clerk to the Treasurer of Ontario.

(2) Where, before the coming into force of this section, copies of the notices of appeal and the affidavits mentioned in subsection 9 (1) of the said Act, as that subsection read immediately before the coming into force of this section, were filed with the clerk of the small claims court, the appeal shall be heard and disposed of in accordance with the said Act as it read immediately before the coming into force of this section.

8. Subsection 13 (8) of the said Act is repealed and the following substituted therefor:

Costs

(8) Where the fence-viewers make a determination under subsection (6), they shall specify the costs of the proceedings under this section and that the costs be paid by the adjoining

owner or the other owner or that a specified portion of the costs be paid by each of them.

9. Subsection 14 (1) of the said Act is amended by striking out “fees of the fence-viewers” in the twelfth line and inserting in lieu thereof “costs of the proceedings” and by striking out “fees” in the fourteenth line and inserting in lieu thereof “costs”.

10. The said Act is further amended by adding thereto the following section:

16a.—(1) The council of every local municipality may by by-law fix its reasonable administrative fees to be paid to the municipality in relation to proceedings under this Act but, where maximum administrative fees are prescribed, the fees so fixed shall not exceed the maximum so prescribed.

Admini-
trative
fees of
municipality

(2) Subsections 17 (2), (3) and (4) respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to the administrative fees payable to the municipality under subsection (1).

Idem

11. Subsection 18 (1) of the said Act is amended by adding at the commencement thereof “Notwithstanding section 24”.

12. Sections 24 and 25 of the said Act are repealed and the following substituted therefor:

24.—(1) Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway including lands abutting a public highway that are held as a reserve by a municipality or other public authority to separate lands abutting the reserve from the public highway.

Act does not
apply to
public
highways

(2) Subsection (1) does not apply so as to prevent the entering into of agreements under subsection 22 (3) with respect to line fences to mark the boundary between a public highway or a reserve and adjoining lands.

Agreements
under
subs. 22 (3)

25. This Act does not apply to land where the land is in an area that is subject to a by-law passed under paragraph 20 of section 210 of the *Municipal Act*.

Effect of by-
law under
section 210,
par. 20 of
R.S.O. 1980,
c. 302

25a.—(1) The Lieutenant Governor in Council shall establish one or more appeals divisions, as the Lieutenant Governor in Council considers advisable, so that all lands in Ontario are in an appeals division.

Appeals
divisions

Appointment
of referee

(2) The Lieutenant Governor in Council shall appoint a referee for the purposes of this Act for each appeals division.

Deputy
referees

(3) The Lieutenant Governor in Council may appoint one or more deputy referees for the purposes of this Act for each appeals division and a deputy referee has the same powers and duties as a referee and shall have jurisdiction in the appeals division named in the deputy referee's appointment.

Additional
jurisdiction

(4) A referee or deputy referee may be authorized by the Lieutenant Governor in Council to have jurisdiction in more than one appeals division.

Assignment
of hearings

(5) A deputy referee shall hear such appeals as are assigned to the deputy referee by the referee for the appeals division to which the deputy referee is appointed.

Remuneration

(6) Referees and deputy referees shall be paid such remuneration as may be prescribed together with reasonable expenses.

Clerk on
hearing of
appeals

25b.—(1) The clerk of the municipality in which an appeal is filed under section 9 shall be the clerk for the purposes of an appeal under that section.

Support
services

(2) The corporation of the municipality in which an appeal is filed under section 9 shall provide a suitable room for holding the hearing and shall provide all necessary stenographic and other support services as may be required for the purposes of the appeal.

Idem

(3) Support services not related to a specific appeal shall be supplied to the referees and deputy referees by the ministry of the Minister.

13. Section 27 of the said Act is repealed and the following substituted therefor:

Regulations

27. The Lieutenant Governor in Council may make regulations,

- (a) to provide for determining how costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned and for providing for the manner in which any amount so apportioned shall be recovered and providing for appeals to a referee in relation to such lands;

- (b) prescribing appeals divisions, the territorial limits of the divisions and the place at which any notices to be given to the referee for any such division may be served;
- (c) prescribing fees in relation to appeals before a referee;
- (d) prescribing maximum limits of administrative fees for the purposes of section 16a;
- (e) prescribing the remuneration to be paid to referees and deputy referees;
- (f) prescribing rules of procedure related to proceedings before a referee;
- (g) prescribing what may be included in determining the costs of proceedings under this Act.

14. Paragraph 20 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

- (a) A by-law passed under this paragraph may be restricted in its application to such defined areas of the municipality as are set out in the by-law.

15. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

16. The short title of this Act is the *Line Fences Amendment Act, 1986*. Short title

20N

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Bill 24

An Act to amend the Small Business Development Corporations Act

The Hon. R. Nixon
Minister of Revenue



1st Reading May 13th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to combine the special incentive fund from which grants and tax credits related to investment in new enterprises were drawn with the general fund; these grants and tax credits will now be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations;
- (b) to authorize the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the Act, the regulations or the spirit and intent of the Act;
- (c) to permit a Northern and Eastern small business development corporation that has not yet restricted its activities to investments in northern and eastern Ontario to be registered provided that the corporation undertakes to file articles of amendment to so restrict its activities; and
- (d) to update cross references to other statutes and otherwise to clarify the meaning of the Act.

SECTION 1. This change reflects the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. Clause 1 (1) (p) now reads as follows:

- (p) "*spouse*" means spouse as defined in section 1 and subclause 14 (b) (i) of the *Family Law Reform Act*.

SECTION 2.—Subsection 1. This change reflects the repeal of the *Business Corporations Act* and the enactment of the *Business Corporations Act, 1982*. Clause 4 (a) now reads as follows:

- (a) *the corporation complies with all provisions of the Business Corporations Act.*

Subsection 2. This subsection will permit a Northern and Eastern small business development corporation that is not yet restricted in activities to investments in northern and eastern Ontario to be registered provided that the corporation undertakes to file articles of amendment to so restrict its activities. Clause 4 (d) now reads as follows:

- (d) *the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,*
 - (i) *providing capital through the acquisition and holding of securities as permitted by this Act,*
 - (ii) *providing business and managerial expertise to small businesses, or*
 - (iii) *in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a).*

SECTION 3. This section authorizes the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the Act or the regulations. Subsection 5 (3) now reads as follows:

- (3) *Subject to section 28, the Minister may revoke a registration where the registrant fails to comply with any provision of this Act or the regulations.*

SECTION 4. This section removes from the Act the description of eligible investments that may be made by a small business development corporation whose shareholders have

received a grant or tax credit from the new enterprise incentive fund. In his Budget, the Treasurer announced that the special incentive fund would be combined with the general fund; grants and tax credits will henceforth be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations. Subsection 7 (4) now reads as follows:

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (b), each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

(a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and

(b) where the small business development corporation is not a Northern and Eastern small business development corporation,

(i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or

(ii) in a new enterprise, if the grant or tax credit was paid or allowed out of the new enterprise incentive fund.

SECTION 5.—Subsection 1. This subsection ensures that the trust fund established under section 8 of the Act will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. Subsection 8 (5) now reads as follows:

(5) Where the registration of a small business development corporation is revoked, the amount then remaining in the trust fund established under subsection (1) is immediately payable to the Crown, and the receipt of the Minister therefor is a full and sufficient discharge to the trustee for such money or to any other person or corporation having control of the trust funds, for the payment over of such money to the Crown, and such payment is a full and complete discharge to the person or corporation making it and for any claim to such payment by any person or corporation that claims to be entitled to the funds.

Subsection 2. This subsection properly designates the clause to which the subsection refers. Subsection 8 (7) now reads as follows:

(7) Notwithstanding subsections (1) and (2), where the Minister has paid a grant pursuant to subsection 21 (8) or allowed a tax credit pursuant to subsection 22 (3), or where an applicant is deemed to have made an investment in equity shares of a small business development corporation pursuant to subsection 21 (9) or 22 (4), a small business development corporation shall set aside an amount of money equal to 30 per cent of all amounts received by it as equity capital prior to the 24th day of October, 1985, and the Minister shall permit payment from the fund in accordance with clause (2) (b).

SECTION 6. This section clarifies a cross-reference. Clause 17 (2) (a) now reads as follows:

(a) any arrangement under section 181 of the Business Corporations Act, 1982 that it proposes to place before its shareholders for approval.

SECTION 7. This section authorizes the Minister to deny a payment from the trust fund established under section 8 of the Act where there is any violation of the spirit or intent of the Act. Subsection 20 (3) now reads as follows:

(3) Subject to section 28, where the Minister is of the opinion that the small business development corporation, its officers or directors, or its shareholders are conducting their business and affairs in a manner that is contrary to the spirit and intent of this Act or for the purpose of obtaining a grant or tax credit to which they would not otherwise be entitled, the Minister may,

(a) revoke the registration of the small business development corporation; or

(b) refuse to pay a grant under section 21 or allow a tax credit under section 22.

SECTION 8. This section merges into the general fund the special incentive fund from which grants and tax credits related to investment in new enterprises were drawn; these grants and tax credits will henceforth be drawn from the northern and eastern Ontario incentive fund with respect to corporations investing exclusively in small businesses operating in northern and eastern Ontario and from the general fund for all other corporations. Section 22a now reads as follows:

22a.—(1) The moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act shall be held by the Minister in accordance with subsection (2) in separate funds, being,

(a) the northern and eastern Ontario incentive fund;

(b) the new enterprise incentive fund; and

(c) the general fund.

(2) The amount or percentage of the moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act that shall be allocated in each year to the incentive funds described in clause (1) (a) or (b) shall be the amount or percentage that is from time to time specified by order of the Lieutenant Governor in Council made on the recommendation of the Treasurer of Ontario and Minister of Economics.

(3) Before the Minister makes a grant or allows a tax credit to a shareholder of a small business development corporation that is not a Northern and Eastern small business development corporation in respect of equity shares issued on or after the 24th day of October, 1985, the small business development corporation shall file an election in the prescribed form designating, with respect to each such equity share, the fund described in clause (1) (b) or (c) from which a grant or tax credit is to be paid or allowed to the holder of such equity share.

(4) The Minister shall make a grant or allow a credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

(a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or

(b) from the fund designated by the small business development corporation in the election filed under subsection (3) where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

SECTION 9. This section ensures that the recovery of grants or credits will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. The section also clarifies the calculation of the amount recovered. The affected portions of section 24 now read as follows:

24. Where a small business development corporation proposes to wind up or dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation, the small business development corporation shall immediately pay to the Minister an amount of money calculated according to the following rules:

3. Where the registration of a small business development corporation is revoked or where the corporation proposes to wind up or dissolve, it shall pay the Minister,

(a) in the case of a small business development corporation registered prior to the 24th day of October, 1985,

(i) where, at the time of the revocation, winding up or dissolution, the small business development corporation is not maintaining 70 per cent of its assets in the form of eligible investments or is not complying with the Act, the spirit and intent of the Act and the regulations, an amount equal to,

and outstanding at the time of revocation, winding up or dissolution, calculated in the manner prescribed, or

(ii) 25 per cent of the value of all the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of the revocation, winding up or dissolution, calculated in the manner prescribed, where, at the time of the revocation, winding up or dissolution, the small business development corporation is maintaining 70 per cent of its assets in the form of eligible investments and is complying with the Act, the spirit and intent of the Act and the regulations;

(b) in the case of a small business development corporation registered after the 24th day of October, 1985, an amount equal to,

of the value of all of the small business development corporation's shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares issued and outstanding at the time of revocation, winding up or dissolution calculated in the manner prescribed.

4. Subject to paragraph 6, where a small business development corporation reduces by any other means the stated capital account of any class or series of equity shares, the small business development corporation shall pay to the Minister,

(a) in the case of a reduction of stated capital with respect to shares issued prior to the 24th day of October, 1985, an amount equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this section and either,

(i) 30 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation does not maintain at least 70 per

cent of its assets in the form of eligible investments or is not complying fully with the Act, the spirit and intent of the Act or the regulations, or

(ii) 25 per cent of the amount of the reduction to the stated capital accounts where, at the time of the reduction of stated capital, the small business development corporation is maintaining at least 70 per cent of its assets in the form of eligible investments and is complying fully with the Act, the spirit and the intent of the Act and the regulations;

(b) in the case of a reduction of stated capital with respect to shares issued on or after the 24th day of October, 1985, an amount of money equal to the lesser of the aggregate of the grants and tax credits made or allowed by the Minister in respect of all equity shares previously issued by the small business development corporation less any amounts previously paid to the Minister under this subsection and either,

(i) 30 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a Northern and Eastern small business development corporation, or

(ii) 25 per cent of the amount of the reduction to the stated capital accounts where the share is a share of a small business development corporation that is not a Northern and Eastern small business development corporation.

SECTION 10. This section provides a method for objecting to certain refusals of the Minister to permit a payment from the trust fund established under section 8 of the Act. Subsection 28 (1) now reads as follows:

(1) Where the Minister proposes,

(a) to refuse to register a corporation under this Act;

(b) to revoke the registration of a small business development corporation;

(c) to refuse to make a grant under section 21; or

(d) to refuse to allow a tax credit under section 22,

he shall serve notice of his proposal, together with written reasons therefor on the applicant or registrant.

SECTION 11. This section ensures that the recovery of grants or credits under section 24 of the Act will be treated in the same manner upon the termination of registration of a small business development corporation whether that termination results from revocation or voluntary surrender. Clause 34 (1) (e) now reads as follows:

(e) prescribing the method of calculation of the consideration to be paid for each equity share under section 24 where a small business development corporation proposes to dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation.

Bill 24

1986

**An Act to amend the
Small Business Development Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (1) (p) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 30, section 1, is repealed and the following substituted therefor:

- (p) “spouse” means spouse as defined in section 29 of the *Family Law Act*, 1986.

1986, c. 4

2.—(1) Clause 4 (a) of the said Act is amended by striking out “*Business Corporations Act*” in the second line and inserting in lieu thereof “*Business Corporations Act*, 1982”.

(2) Clause 4 (d) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 3, is repealed and the following substituted therefor:

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
- (i) providing capital through the acquisition and holding of securities as permitted by this Act,
 - (ii) providing business and managerial expertise to small businesses, or
 - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a),

or, in the case of a Northern and Eastern small business development corporation, the corporation has provided at the time of registration an undertaking satisfactory to the Minister to file articles of amendment restricting the business of the corporation to assisting in the development of small business in a manner described in subclause (iii).

3. Subsection 5 (3) of the said Act is amended by inserting after “may” in the first line “refuse to permit a payment from the trust fund established under section 8 or”.

4. Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 5, is repealed and the following substituted therefor:

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (c), or out of the new enterprise incentive fund as it was constituted at the date of election formerly required under this Act, each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
 - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
 - (ii) in a small business in Ontario where the grant or tax credit was paid or allowed out of the general fund, or the new enterprise fund as formerly constituted.

5.—(1) Subsection 8 (5) of the said Act is amended by inserting after “revoked” in the second line “or surrendered,”.

(2) Subsection 8 (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 3, section 6, is amended by striking out “clause (2) (b)” in the tenth line and inserting in lieu thereof “clause (2) (a)”.

6. Clause 17 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 10, is amended by striking out “under section 181” in the first line and inserting in lieu thereof “described under clauses 181 (1) (a) to (i)”.

7. Subsection 20 (3) of the said Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding thereto the following clause:

- (c) refuse to permit a payment from the trust fund established under section 8.

8.—(1) Clause 22a (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is repealed.

(2) Subsection 22a (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is amended by striking out “funds described in clause (1) (a) or (b)” in the fourth and fifth lines and inserting in lieu thereof “fund described in clause (1) (a)”.

(3) Subsections 22a (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 13, are repealed and the following substituted therefor:

(3) The Minister shall make a grant or allow a tax credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

Payment
from funds

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund described in clause (1) (c), where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

9.—(1) Section 24 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 3, section 14, is further amended by inserting after “revoked” in the third line “or surrendered”.

(2) Paragraph 3 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by,

- (a) inserting after “revoked” in the second line “or surrendered”;
- (b) inserting after “revocation” in the first line and in the twenty-eighth line of sub-subparagraph (i) in each instance “surrender”;
- (c) inserting after “revocation” in the eighth line of sub-subparagraph (ii) “surrender”; and
- (d) inserting after “revocation” in the sixteenth line of subparagraph (b) “surrender”.

(3) Paragraph 4 of the said section 24, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by adding at the end thereof “and a reduction of stated capital or a reduction to the stated capital accounts shall include any amount paid, or payable to the Minister pursuant to this section”.

10. Subsection 28 (1) of the said Act is amended by adding thereto the following clause:

- (ba) to refuse to permit payment from the trust fund established under section 8 where that refusal does not result from a determination by the Minister that any investment or proposed investment is ineligible under this Act.

11. Clause 34 (1) (e) of the said Act is amended by inserting after “revoked” in the fifth line “or surrendered”.

Commence-
ment

12. This Act comes into force on the day following the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986*.

Bill 24

*(Chapter 38
Statutes of Ontario, 1986)*

An Act to amend the Small Business Development Corporations Act

The Hon. R. Nixon
Minister of Revenue



<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 16th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

Bill 24**1986**

**An Act to amend the
Small Business Development Corporations Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (1) (p) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1984, chapter 30, section 1, is repealed and the following substituted therefor:

- (p) “spouse” means spouse as defined in section 29 of the *Family Law Act*, 1986.

1986, c. 4

2.—(1) Clause 4 (a) of the said Act is amended by striking out “*Business Corporations Act*” in the second line and inserting in lieu thereof “*Business Corporations Act*, 1982”.

(2) Clause 4 (d) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 3, is repealed and the following substituted therefor:

- (d) the articles of the corporation restrict the business of the corporation to assisting in the development of small businesses by,
- (i) providing capital through the acquisition and holding of securities as permitted by this Act,
 - (ii) providing business and managerial expertise to small businesses, or
 - (iii) in the case of a Northern and Eastern small business development corporation, by providing the assistance described in subclauses (i) and (ii) to small businesses which meet the requirements of clause 9 (1) (a),

or, in the case of a Northern and Eastern small business development corporation, the corporation has provided at the time of registration an undertaking satisfactory to the Minister to file articles of amendment restricting the business of the corporation to assisting in the development of small business in a manner described in subclause (iii).

3. Subsection 5 (3) of the said Act is amended by inserting after “may” in the first line “refuse to permit a payment from the trust fund established under section 8 or”.

4. Subsection 7 (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 5, is repealed and the following substituted therefor:

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a (1) (a) or (c), or out of the new enterprise incentive fund as it was constituted at the date of election formerly required under this Act, each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment,

- (a) where the small business development corporation is a Northern and Eastern small business development corporation, in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and
- (b) where the small business development corporation is not a Northern and Eastern small business development corporation,
 - (i) in a small business primarily located in northern and eastern Ontario where the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund prior to the 24th day of October, 1985, or
 - (ii) in a small business in Ontario where the grant or tax credit was paid or allowed out of the general fund, or the new enterprise fund as formerly constituted.

5.—(1) Subsection 8 (5) of the said Act is amended by inserting after “revoked” in the second line “or surrendered,”.

(2) Subsection 8 (7) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 3, section 6, is amended by striking out “clause (2) (b)” in the tenth line and inserting in lieu thereof “clause (2) (a)”.

6. Clause 17 (2) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 10, is amended by striking out “under section 181” in the first line and inserting in lieu thereof “described under clauses 181 (1) (a) to (i)”.

7. Subsection 20 (3) of the said Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding thereto the following clause:

- (c) refuse to permit a payment from the trust fund established under section 8.

8.—(1) Clause 22a (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is repealed.

(2) Subsection 22a (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 30, section 8, is amended by striking out “funds described in clause (1) (a) or (b)” in the fourth and fifth lines and inserting in lieu thereof “fund described in clause (1) (a)”.

(3) Subsections 22a (3) and (4) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 13, are repealed and the following substituted therefor:

(3) The Minister shall make a grant or allow a tax credit to a shareholder of a small business development corporation with respect to each equity share issued on or after the 24th day of October, 1985,

Payment
from funds

- (a) from the fund described in clause (1) (a), where the small business development corporation that issued the share is a Northern and Eastern small business development corporation; or
- (b) from the fund described in clause (1) (c), where the small business development corporation that issued the share is not a Northern and Eastern small business development corporation.

9.—(1) Section 24 of the said Act, as amended by the Statutes of Ontario, 1986, chapter 3, section 14, is further amended by inserting after “revoked” in the third line “or surrendered”.

(2) Paragraph 3 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by,

- (a) inserting after “revoked” in the second line “or surrendered”;
- (b) inserting after “revocation” in the first line and in the twenty-eighth line of sub-subparagraph (i) in each instance “surrender”;
- (c) inserting after “revocation” in the eighth line of sub-subparagraph (ii) “surrender”; and
- (d) inserting after “revocation” in the sixteenth line of subparagraph (b) “surrender”.

(3) Paragraph 4 of the said section 24, as re-enacted by the Statutes of Ontario, 1986, chapter 3, section 14, is amended by adding at the end thereof “and a reduction of stated capital or a reduction to the stated capital accounts shall include any amount paid, or payable to the Minister pursuant to this section”.

10. Subsection 28 (1) of the said Act is amended by adding thereto the following clause:

- (ba) to refuse to permit payment from the trust fund established under section 8 where that refusal does not result from a determination by the Minister that any investment or proposed investment is ineligible under this Act.

11. Clause 34 (1) (e) of the said Act is amended by inserting after “revoked” in the fifth line “or surrendered”.

Commence-
ment

12. This Act comes into force on the day following the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Small Business Development Corporations Amendment Act, 1986*.

A20N
B
3 56

Bill 25

An Act to amend the District Municipality of Muskoka Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



1st Reading April 22nd, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

SECTION 1. At present, the chairman of the District Council is elected at the first meeting of the council held in December in an election year. Under the proposed section 6a, the mayors-elect of the area municipalities and the members-elect of the District Council will meet on the fourth Monday in November in an election year to elect the chairman.

SECTION 2. The repeal of subsections 7 (1) and (3) is complementary to the enactment of section 6a, as set out in section 1 of the Bill. It is proposed that the present subsections 7 (4) and (5) be re-enacted as section 14 of the Act, as set out in section 4 of the Bill.

SECTION 3. At present, the District Council cannot hold its first meeting after a regular election until after the councils of the area municipalities have held their first meetings. The re-enactment of subsection 8 (2) deletes this restriction. The other amendments to section 8 are complementary to the enactment of section 6a of the Act as set out in section 1 of the Bill.

SECTION 4. Subsections 7 (4) and (5) and section 14 provide for the appointment of an acting chairman. It is proposed that the present section 14 be repealed as it is considered to be redundant. The present subsections 7 (4) and (5) will be re-enacted as section 14.

SECTION 5. It is proposed that subsection 19 (4) of the Act be repealed. The said subsection relates to conflicts of interest. Conflicts of interest are now governed by the *Municipal Conflict of Interest Act, 1983*.

SECTION 6. The District Corporation will be authorized to include the revenues and expenditures of a home maintained by it under the *Homes for the Aged and Rest Homes Act* in the revenues and expenditures of the District Corporation. The District Corporation will not be required to maintain a separate bank account for such a home.

SECTION 7. The proposed amendment to subsection 82 (4) of the Act will permit the District Council to expend money in its pollution control fund for the installation of water systems.

SECTION 8. At present, the debentures to be redeemed on each anniversary of the date of the debentures are selected by lot by the treasurer of the District Corporation at a public meeting of the District Council. The proposed amendment will permit the District Council to prescribe the manner of making the selection by lot.

SECTION 9.—Subsection 1. Section 115 and paragraph 11 of section 208 are added as provisions of the *Municipal Act* that apply to the District Corporation. Section 115 authorizes municipalities to award fellowships, scholarships and similar prizes. Paragraph 11 of section 208 allows municipalities to pay membership fees in municipal associations for councillors and appointed officers.

Subsection 2. The re-enactment changes a reference to the *Mortmain and Charitable Uses Act* to read as a reference to the *Charities Accounting Act*. The former Act has been repealed. Section 6c of the latter Act authorizes a municipal corporation to hold land for charitable purposes.

Bill 25

1986

**An Act to amend the
District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

6a.—(1) The chairman shall be elected at a meeting of the mayors-elect of the area municipalities and the members-elect of the District Council which meeting shall be held on the fourth Monday in November or within seven days thereafter in each year in which there is a regular election.

Election of
chairman

(2) The mayors-elect of the area municipalities and the members-elect of the District Council may nominate any person as chairman including a member or member-elect of the District Council or a member or member-elect of an area council.

Nominations

(3) Nominations for the office of chairman shall be submitted to the clerk of the District Corporation not later than 5 o'clock in the afternoon of the third Monday in November in the year in which an election is to be held under subsection (1).

Idem

(4) The clerk of each area municipality shall certify, forthwith after the day of the election, under the seal of the area municipality, to the clerk of the District Corporation, the name of the person who is the mayor-elect and of each person who is a member-elect of the District Council representing the area municipality and a person shall not participate in a meeting held under this section until the clerk of the District Corporation has received such a certificate in respect of that person.

Certificate
of qualifi-
cation

Clerk to
preside

(5) The clerk shall preside at meetings held under this section and no business other than the election of the chairman shall be considered at such a meeting.

Declaration
of office
R.S.O. 1980,
c. 302

(6) No person shall vote in the election of the chairman until after the declarations of office in Form 3 of the *Municipal Act* have been made by all persons who present themselves for that purpose.

Oath and
declaration

(7) The chairman, when elected, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Term of
office

(8) The chairman shall hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Failure to
elect
chairman

(9) If at the meeting referred to in subsection (1), a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within seven days after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Quorum

(10) At least twelve persons representing at least four area municipalities are necessary to form a quorum for a meeting held under this section and the concurring votes of a majority of those present are necessary to elect the chairman.

Qualification

(11) Where the person who is elected or appointed as chairman is a member-elect of the council of an area municipality,

- (a) the clerk of the District Corporation shall forthwith notify the clerk of the area municipality of the election or appointment;
- (b) the person shall not take his seat on the area council; and
- (c) the council of the area municipality shall declare the seat of the person on the area council to be vacant.

2. Subsections 7 (1), (3), (4) and (5) of the said Act are repealed.

3. Subsections 8 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:

(2) The first meeting of the District Council after a regular election shall be held on such date and at such time and place as may be fixed by by-law of the District Council which date shall not be later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

First meeting of District Council

(3) Where a person is elected or appointed to represent an area municipality as a member of the District Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the District Corporation the name of each person who has been so elected or appointed.

Certificate of qualification

(4) A person entitled to be a member of the District Council in accordance with section 6 shall not take a seat as a member of the District Council until the clerk of the District Corporation has received the certificate referred to in subsection (3) and the person has made the declaration of office in Form 3 of the *Municipal Act*.

Declaration of members

R.S.O. 1980, c. 302

(5) Subsections (3) and (4) do not apply to a person with respect to whom a certificate has been received by the clerk of the District Corporation under subsection 6a (4) if the person has complied with subsection 6a (6).

Exception

(6) The chairman shall not preside at a meeting of the District Council unless the chairman has taken an oath of allegiance in Form 1 and made a declaration of qualification in Form 2.

When chairman may preside

4. Section 14 of the said Act is repealed and the following substituted therefor:

14.—(1) When the chairman is absent or refuses to act, or the office of chairman is vacant, the District Council may by resolution appoint one of its members to act in the place and stead of the chairman and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting chairman

(2) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or the chairman's office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

5. Subsection 19 (4) of the said Act is repealed.

6. Section 59 of the said Act is amended by adding thereto the following subsection:

Revenues
and
expenditures
R.S.O. 1980,
c. 203

(2) The revenues and expenditures of a home maintained by the District Corporation under the *Homes for the Aged and Rest Homes Act* may be included in the general revenues and expenditures of the District Corporation and the District Corporation shall not be required to maintain a separate bank account in relation thereto.

7. Subsection 82 (4) of the said Act is amended by striking out "Part" in the third line and inserting in lieu thereof "Parts III and".

8. Clause 89 (c) of the said Act is amended by striking out "at a public meeting of the District Council" in the fourth line and inserting in lieu thereof "in such manner as may be prescribed by by-law of the District Council".

9.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 65, section 6, is repealed and the following substituted therefor:

Application
of
R.S.O.1980,
c. 302

(1) Section 5, Parts XIII, XIV and XIX, sections 104a, 105, 106, 113, 115, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph (iii) of paragraph 62 and subparagraph (ii) of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

(2) Subsection 108 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O.1980,
c. 65

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1986*.

Bill 25

(Chapter 48
Statutes of Ontario, 1986)

An Act to amend the District Municipality of Muskoka Act

The Hon. B. Grandmaître
Minister of Municipal Affairs



<i>1st Reading</i>	April 22nd, 1986
<i>2nd Reading</i>	November 13th, 1986
<i>3rd Reading</i>	November 18th, 1986
<i>Royal Assent</i>	November 18th, 1986

Bill 25

1986

**An Act to amend the
District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

6a.—(1) The chairman shall be elected at a meeting of the mayors-elect of the area municipalities and the members-elect of the District Council which meeting shall be held on the fourth Monday in November or within seven days thereafter in each year in which there is a regular election.

Election of
chairman

(2) The mayors-elect of the area municipalities and the members-elect of the District Council may nominate any person as chairman including a member or member-elect of the District Council or a member or member-elect of an area council.

Nominations

(3) Nominations for the office of chairman shall be submitted to the clerk of the District Corporation not later than 5 o'clock in the afternoon of the third Monday in November in the year in which an election is to be held under subsection (1).

Idem

(4) The clerk of each area municipality shall certify, forthwith after the day of the election, under the seal of the area municipality, to the clerk of the District Corporation, the name of the person who is the mayor-elect and of each person who is a member-elect of the District Council representing the area municipality and a person shall not participate in a meeting held under this section until the clerk of the District Corporation has received such a certificate in respect of that person.

Certificate
of qualifi-
cation

Clerk to
preside

(5) The clerk shall preside at meetings held under this section and no business other than the election of the chairman shall be considered at such a meeting.

Declaration
of office
R.S.O. 1980,
c. 302

(6) No person shall vote in the election of the chairman until after the declarations of office in Form 3 of the *Municipal Act* have been made by all persons who present themselves for that purpose.

Oath and
declaration

(7) The chairman, when elected, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Term of
office

(8) The chairman shall hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Failure to
elect
chairman

(9) If at the meeting referred to in subsection (1), a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and if a chairman is not elected at any adjourned meeting held within seven days after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council in respect of which the regular election was held and until a successor is elected or appointed under this Act.

Quorum

(10) At least twelve persons representing at least four area municipalities are necessary to form a quorum for a meeting held under this section and the concurring votes of a majority of those present are necessary to elect the chairman.

Qualification

(11) Where the person who is elected or appointed as chairman is a member-elect of the council of an area municipality,

- (a) the clerk of the District Corporation shall forthwith notify the clerk of the area municipality of the election or appointment;
- (b) the person shall not take his seat on the area council; and
- (c) the council of the area municipality shall declare the seat of the person on the area council to be vacant.

2. Subsections 7 (1), (3), (4) and (5) of the said Act are repealed.

3. Subsections 8 (2), (3), (4), (5) and (6) of the said Act are repealed and the following substituted therefor:

(2) The first meeting of the District Council after a regular election shall be held on such date and at such time and place as may be fixed by by-law of the District Council which date shall not be later than the fourteenth day following the day on which the term of office in respect of which the election was held commences.

First meeting
of District
Council

(3) Where a person is elected or appointed to represent an area municipality as a member of the District Council or is elected or appointed as mayor of an area municipality, the clerk of the area municipality, forthwith after the election or appointment, shall certify under the seal of the area municipality to the clerk of the District Corporation the name of each person who has been so elected or appointed.

Certificate of
qualification

(4) A person entitled to be a member of the District Council in accordance with section 6 shall not take a seat as a member of the District Council until the clerk of the District Corporation has received the certificate referred to in subsection (3) and the person has made the declaration of office in Form 3 of the *Municipal Act*.

Declaration
of members

R.S.O. 1980,
c. 302

(5) Subsections (3) and (4) do not apply to a person with respect to whom a certificate has been received by the clerk of the District Corporation under subsection 6a (4) if the person has complied with subsection 6a (6).

Exception

(6) The chairman shall not preside at a meeting of the District Council unless the chairman has taken an oath of allegiance in Form 1 and made a declaration of qualification in Form 2.

When
chairman
may preside

4. Section 14 of the said Act is repealed and the following substituted therefor:

14.—(1) When the chairman is absent or refuses to act, or the office of chairman is vacant, the District Council may by resolution appoint one of its members to act in the place and stead of the chairman and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting
chairman

(2) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or the chairman's office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

5. Subsection 19 (4) of the said Act is repealed.

6. Section 59 of the said Act is amended by adding thereto the following subsection:

Revenues
and
expenditures
R.S.O. 1980,
c. 203

(2) The revenues and expenditures of a home maintained by the District Corporation under the *Homes for the Aged and Rest Homes Act* may be included in the general revenues and expenditures of the District Corporation and the District Corporation shall not be required to maintain a separate bank account in relation thereto.

7. Subsection 82 (4) of the said Act is amended by striking out “Part” in the third line and inserting in lieu thereof “Parts III and”.

8. Clause 89 (c) of the said Act is amended by striking out “at a public meeting of the District Council” in the fourth line and inserting in lieu thereof “in such manner as may be prescribed by by-law of the District Council”.

9.—(1) Subsection 108 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 65, section 6, is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 302

(1) Section 5, Parts XIII, XIV and XIX, sections 104a, 105, 106, 113, 115, 116, 121 and 128, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph (iii) of paragraph 62 and subparagraph (ii) of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality.

(2) Subsection 108 (6) of the said Act is repealed and the following substituted therefor:

Application
of
R.S.O. 1980,
c. 65

(6) The District Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1986*.

CA20N
XB
-B 56

Bill 26

An Act to amend the Retail Sales Tax Act

The Hon. R. Nixon
Minister of Revenue



1st Reading May 13th, 1986

2nd Reading

3rd Reading

Royal Assent

EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to expand the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars;
- (b) to improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research;
- (c) to provide a rebate, rather than an exemption from tax, for the purchasers of vehicles powered by alternate fuels or converted to the use of such fuels, and limiting the maximum rebate to \$750 for vehicles converted to the use of propane and \$1,000 for vehicles converted to the use of other alternate fuels;
- (d) to end the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986;
- (e) to limit the exemption available to the purchaser of admission to a performance sponsored by charities, clubs and labour organizations, to amateur performances and performances using Canadian performers and to limit the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair;
- (f) to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt;
- (g) to provide the Minister with improved mechanisms for the collection of tax that has not been remitted;
- (h) to remove redundant expressions, to update cross-references to other statutes and otherwise to clarify the meaning of the Act.

SECTION 1.—Subsection 1. This subsection clarifies the meaning of the Act by removing certain expressions that are not in common use. Paragraph 9 of section 1 now reads as follows:

9. *“place of amusement” means an amusement park or a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance or entertainment is staged or held or where facilities for dancing are provided to the public with the service of liquor, beer or wine and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.*

Subsection 2. This subsection provides that a sale will occur when a purchaser contracts for the future delivery of repair parts and labour; tax is payable at the time of sale. This subsection is related to the changes contained in subsection 1 (4), section 2 and subsections 4 (2) and (11) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Clause (a) of paragraph 17 will now read as follows:

- (a) *any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property or renders or undertakes to render to another person a taxable service.*

Subsections 3 and 4. Subsection (4) clarifies the meaning of “install” and provides that a contract for the future delivery of repair parts and labour will be treated as a taxable service. This subsection is related to the changes contained in subsection 1 (2), section 2 and subsections 4 (2) and (10) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Paragraph 21 now reads as follows:

21. “taxable service” means,

- (a) *telecommunication services of all kinds, including without restricting the generality of the foregoing, telephone and telegraph services, community antenna television and cable television, transmissions by microwave relay stations or by satellite, and pay television, but not including public broadcasting services that are broadcast through the air for direct reception by the public without charge,*
- (b) *transient accommodation, or*
- (c) *labour provided to install, adjust, repair or maintain tangible personal property.*

SECTION 2. This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Subsection 2 (3) now reads as follows:

(3) *Every purchaser of a taxable service described in clause (a) or (c) of paragraph 21 of section 1 shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 7 per cent of the fair value thereof.*

SECTION 3. This section simplifies the requirements of the Act with respect to changes in a vendor's permit resulting from a change in the name, address or nature of the business. Subsection 3 (1a) now reads as follows:

(1a) *Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name or nature of his business he shall notify the Minister of the change forthwith and the Minister may issue a new permit, and, where the Minister issues a new permit, the vendor shall return his original permit to the Minister forthwith for cancellation.*

SECTION 4.—Subsection 1. This subsection expands the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars. Paragraph 1 now reads as follows:

1. *food products for human consumption except,*

- (a) *candies, confections, snack foods and soft drinks, other than soft drinks sold with prepared food products from an eating establishment, as defined by the Minister, at a total price for all soft drinks and prepared food products sold as part of the transaction that does not exceed one dollar, and*
- (b) *prepared food products purchased from an eating establishment, as defined by the Minister, the price of which exceeds one dollar.*

Subsection 2. This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Paragraph 2 now reads as follows:

2. *taxable services that are described in clause (c) of paragraph 21 of section 1 and that are,*
 - (a) *provided to repair, adjust, restore or maintain real property,*
 - (b) *provided to install tangible personal property that will become real property upon installation,*
 - (c) *provided to maintain, restore or repair tangible personal property where the repairs or repair parts used in the maintenance, restoration or repair may be purchased exempt from tax,*
 - (d) *provided to repair or recondition tangible personal property purchased for resale by a vendor, or*
 - (e) *provided by a person for his own consumption or use.*

Subsection 3. The subsection updates the references to the *Motor Vehicle Fuel Tax Act* to reflect the repeal of that Act and the enactment of the *Fuel Tax Act, 1981*. Paragraphs 6 and 7 now read as follows:

6. *fuel taxed under the Motor Vehicle Fuel Tax Act;*
7. *fuel oil not taxed under the Motor Vehicle Fuel Tax Act.*

Subsection 4. This subsection clarifies the expressions used in the Act and adopts language consistent with the enactment of clause 45 (3) (i) of the Act in subsection 12 (2) of the Bill. Paragraph 13 now reads as follows:

13. *ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank.*

Subsection 5. This subsection removes the exemption for the purchasers of vehicles powered by alternate fuels and conversion kits and installation labour used to convert vehicles powered by gasoline or diesel fuel to the use of alternate fuels. The authority to provide a rebate of tax by regulation will be provided under subsection 12 (2) of the Bill. Paragraphs 14 and 14a now read as follows:

14. *vehicles that are required to be licensed under the Highway Traffic Act and the energy to operate which is either,*
 - (a) *exclusively electrical energy or energy derived from the internal combustion of ethanol, methanol, natural gas or manufactured gas, or*
 - (b) *energy described in clause (a), where the vehicle can also operate exclusively on energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act,*

but not any vehicle the energy to operate which is a mix of a form of energy described in clause (a) and energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act;

- 14a. *tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that meets all of the requirements for exemption under paragraph 14 including the labour provided to install that conversion kit.*

Subsection 6. The subsection will improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers

with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research.

Subsection 7. This subsection deletes a reference to an Act that has been repealed. Paragraph 42 now reads as follows:

42. *equipment, as defined by the Minister, and purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under the Public Hospitals Act or that is established under the Community Psychiatric Hospitals Act or by a sanatorium as defined under the Sanatoria for Consumptives Act or by The Ontario Cancer Treatment and Research Foundation, and repairs to such equipment.*

Subsection 8. The amendment clarifies the application of the exemption to community colleges. Paragraph 51 now reads as follows:

51. *publications, as defined by the Minister, purchased by a school, school board or university or by a public library administered under the Public Libraries Act.*

Subsection 9. This provision extends the exemption from tax available to purchasers of books to include labour used to repair books. Paragraph 53 now reads as follows:

53. *books, as defined by the Minister.*

Subsection 10. This subsection ends the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986. Paragraph 70 now reads as follows:

70. *highway truck tractors having a gross vehicle mass rating, as defined by the Minister, of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, but the exemption conferred by this paragraph does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the Minister to be excluded from this paragraph or used in any manner, process, industry, enterprise or by any person or class of persons prescribed by the Minister as not entitled to the exemption conferred by this paragraph.*

Subsection 11. This subsection provides that replacement parts used to honour an extended warranty, service or maintenance contract will not be taxable. This subsection is related to the changes contained in subsections 1 (2) and (3), section 2 and subsection 4 (2) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt.

SECTION 5. The changes to this section reflect the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. The changes also insure that common law spouses will receive the same treatment as married persons. Subsections 6 (2), (3) and (4) now read as follows:

(2) *In subsection (1), "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.*

(3) *Subsection 2 (1) does not apply to the consumption or use by a person of tangible personal property acquired from the person's spouse or former spouse where the acquisition is the result of the breakdown or dissolution of the marriage of the person and the spouse or former spouse and is in satisfaction of the person's rights under the Family Law Reform Act.*

(4) In subsection (3), "spouse" has the meaning given to that expression by clause 14 (b) of the Family Law Reform Act.

SECTION 6. This section limits the exemption available to the purchaser of admission to a performance sponsored by charities, clubs and labour organizations to amateur performances and performances using Canadian performers and limits the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair. Subsection 7 (2) now reads as follows:

(2) The tax imposed by subsection 2 (4) is not payable in respect of the price of admission to any entertainment, event, dance, performance or exhibition staged or held in a place of amusement by, or under the auspices or sponsorship of,

- (a) a registered Canadian amateur athletic association, as defined by paragraph 110 (8) (b) of the Income Tax Act (Canada), including a branch or affiliate association to which the registration under that Act of the Canadian amateur association of which it is a branch or affiliate has been extended;*
- (b) a registered charity, as defined by paragraph 110 (8) (c) of the Income Tax Act (Canada);*
- (c) a labour organization or society, or a benevolent or fraternal benefit society or order;*
- (d) an agricultural society constituted under the Agricultural Societies Act;*
- (e) an educational institution;*
- (f) a club, society, association, chamber of commerce or board of trade organized and operated for any purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof except a proprietor, member or shareholder that is a club, society or association the primary purpose and function of which is the promotion of amateur athletics in Canada; or*
- (g) an organization that is substantially assisted or supported financially from public funds of the Province of Ontario and that is prescribed by the Minister for the purpose of this subsection.*

SECTION 7. This amendment confirms that the seller of taxable services or of admissions to a place of amusement is required to keep records in the same manner as a seller of tangible personal property. Section 14 now reads as follows:

14. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

SECTION 8. The effect of the amendment is to permit the Minister to exchange information with taxing authorities in jurisdictions outside Canada, on a reciprocal basis. Subsection 15 (2) now reads as follows:

- (2) The Minister may,*
 - (a) communicate or allow to be communicated information obtained under this Act;*
or
 - (b) allow inspection of or access to any written statement furnished under this Act,*

to any person employed by the Government of Canada or any province of Canada, if the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

SECTION 9. This amendment clarifies the meaning of subsection 16a (4) by confirming that a person remains responsible for the payment of amounts assessed whether or not an objection to, or appeal from, an assessment is commenced. Subsection 16a (4) now reads as follows:

(4) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, remit to the Treasurer the amount assessed.

SECTION 10. This amendment clarifies the subsection by confirming that an assessment can also be varied by reassessment. Subsection 17 (7) now reads as follows:

(7) Subject to being vacated on objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding, and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and to be conclusively established as a debt owing to Her Majesty in right of Ontario.

SECTION 11. This section provides the Minister with improved mechanisms for the collection of tax that has not been remitted. Subsections 34 (1), (1a) and (6) now read as follows:

(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

(1a) Without limiting the generality of subsection (1), where the Minister has knowledge or suspects that a bank, credit union, trust company or other similar person, in this section referred to as "the institution", is about to advance moneys to, or make payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution and who has given security to the institution in respect of the indebtedness, he may, by registered letter or by letter served personally, require the institution to pay to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act the moneys that would otherwise be so advanced or paid, and the requirement shall apply to all moneys that would otherwise be so advanced or paid in the ninety days following the receipt of the registered letter or letter served personally.

(6) Subject to the Wages Act, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

SECTION 12.—Subsection 1. This subsection deletes the expression "registered consumer" which is no longer used under the Act. Clause 45 (3) (b) now reads as follows:

- (b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a vendor, registered consumer or purchaser.*

Subsection 2. This subsection removes the authority to provide a rebate on materials used by farmers in constructing grain storage bins and dryers; an exemption will be provided through subsection 4 (6) of the Bill. The subsection also authorizes the Minister to provide a rebate of tax paid on vehicles powered by alternate fuels, vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits. The rebate is limited to a maximum of \$750 for vehicles converted to the use of propane and \$1,000 to vehicles converted to the use of other alternate fuels. Exemptions for vehicles powered by alternate fuels and conversion kits are repealed by subsection 4 (5) of the Bill. Clauses 45 (3) (i) and (j) now read as follows:

- (i) providing for the rebate to persons engaged in the business of farming of tax paid on the consumption of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made;*
- (j) providing for the rebate of the tax paid on the purchase of a motor vehicle that is, within thirty days of the date of sale, adapted or converted to permit it to operate in a manner described in clause (a) or (b) of paragraph 14 of subsection 5 (1), and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.*

Subsection 3. The re-enactment of clause 45 (3) (j) of the Act authorizes the Minister to make regulations, after the date this Bill receives Royal Assent, to continue to provide for a full rebate of tax paid on the purchase of vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits, but only where the purchaser enters into a contract for the conversion within thirty days following Royal Assent of this Bill and the conversion is completed within ninety days.

Bill 26**1986****An Act to amend the
Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

2. Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

3. Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in
name,
address or
nature of
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,

- (a) striking out “one dollar” in the seventh line of clause (a) and inserting in lieu thereof “two dollars”; and
- (b) striking out “one dollar” in the third line of clause (b) and inserting in lieu thereof “two dollars”.

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after “(c)” in the first line “or (d)”;
- (b) striking out “or” at the end of clause (d);
- (c) inserting “or” at the end of clause (e); and
- (d) by adding thereto the following clause:
 - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out “ethyl alcohol or methyl alcohol” in the first line and inserting in lieu thereof “ethanol or methanol”; and
- (b) striking out “alcohol” in the third line and inserting in lieu thereof “fuel”.

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;
-
21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out “by a sanatorium as defined under the *Sanatoria for Consumptives Act* or” in the fifth, sixth and seventh lines and inserting in lieu thereof “purchased”.

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “school board” in the second line “community college”.

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and repairs thereto”.

(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “more,” in the eighth line “provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987”.

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out “husband, wife” in the second line and inserting in lieu thereof “spouse”.

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out “*Family Law Reform Act*” in the sixth line and inserting in lieu thereof “*Family Law Act, 1986*”.

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition

1986, c. 4

(4) In this section, “spouse” has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after “exhibition” in the third line “staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of those performers are persons who are permanent residents in Canada as defined in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clauses 7 (2) (b) and (c) of the said Act are repealed.

(3) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,
c. 14

(4) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of
vendors of
taxable
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of
vendors who
operate
places of
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.

(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
 - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or

- (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing
effect of
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and

- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*. Application
of
R.S.O. 1980,
c. 526

12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out “registered consumer” in the third line.

(2) Clause 45 (3) (i) of the said Act, as amended by the *Statutes of Ontario, 1983, chapter 27, section 16*, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,
 - (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,
c. 198
 - (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or
 - (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* 1981, c. 59 or the *Gasoline Tax Act*, R.S.O. 1980,
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,

and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,
c. 198

1986, c. ...

Commence-
ment and
application

13.—(1) This Act, except subsection 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.

Idem

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent.

(3) Subsection 4 (5) and any regulation made under the ^{Idem} authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit.

(4) Section 6 applies to any sale of admission to a place of ^{Idem} amusement after the day this Act comes into force.

14. The short title of this Act is the *Retail Sales Tax* ^{Short title} *Amendment Act, 1986.*

Bill 26



An Act to amend the Retail Sales Tax Act

The Hon. R. Nixon
Minister of Revenue

1st Reading May 13th, 1986
2nd Reading October 23rd, 1986
3rd Reading
Royal Assent

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is,

- (a) to expand the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars;
- (b) to improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research;
- (c) to provide a rebate, rather than an exemption from tax, for the purchasers of vehicles powered by alternate fuels or converted to the use of such fuels, and limiting the maximum rebate to \$750 for vehicles converted to the use of propane and \$1,000 for vehicles converted to the use of other alternate fuels;
- (d) to end the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986;
- (e) to limit the exemption available to the purchaser of admission to a performance sponsored by non-profit clubs and associations to amateur performances and performances using Canadian performers and to limit the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair;
- (f) to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt;
- (g) to provide the Minister with improved mechanisms for the collection of tax that has not been remitted;
- (h) to remove redundant expressions, to update cross-references to other statutes and otherwise to clarify the meaning of the Act.

SECTION 1.—Subsection 1. This subsection clarifies the meaning of the Act by removing certain expressions that are not in common use. Paragraph 9 of section 1 now reads as follows:

9. *“place of amusement” means an amusement park or a premises or place, whether enclosed or not, where a cinematograph or moving picture machine or similar apparatus is operated, or where a theatrical performance, carnival, circus, side show, menagerie, concert, rodeo, exhibition, horse race, athletic contest or other performance or entertainment is staged or held or where facilities for dancing are provided to the public with the service of liquor, beer or wine and to which admission is granted upon payment of a price of admission through the sale of tickets or otherwise.*

Subsection 2. This subsection provides that a sale will occur when a purchaser contracts for the future delivery of repair parts and labour; tax is payable at the time of sale. This subsection is related to the changes contained in subsection 1 (4), section 2 and subsections 4 (2) and (11) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Clause (a) of paragraph 17 will now read as follows:

- (a) *any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instal-*

ments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property or renders or undertakes to render to another person a taxable service.

Subsections 3 and 4. Subsection (4) clarifies the meaning of "install" and provides that a contract for the future delivery of repair parts and labour will be treated as a taxable service. This subsection is related to the changes contained in subsection 1 (2), section 2 and subsections 4 (2) and (10) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt. Paragraph 21 now reads as follows:

21. "taxable service" means,

- (a) *telecommunication services of all kinds, including without restricting the generality of the foregoing, telephone and telegraph services, community antenna television and cable television, transmissions by microwave relay stations or by satellite, and pay television, but not including public broadcasting services that are broadcast through the air for direct reception by the public without charge,*
- (b) *transient accommodation, or*
- (c) *labour provided to install, adjust, repair or maintain tangible personal property.*

SECTION 2. This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Subsection 2 (3) now reads as follows:

(3) Every purchaser of a taxable service described in clause (a) or (c) of paragraph 21 of section 1 shall pay to Her Majesty in right of Ontario a tax in respect thereof computed at the rate of 7 per cent of the fair value thereof.

SECTION 3. This section simplifies the requirements of the Act with respect to changes in a vendor's permit resulting from a change in the name, address or nature of the business. Subsection 3 (1a) now reads as follows:

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name or nature of his business he shall notify the Minister of the change forthwith and the Minister may issue a new permit, and, where the Minister issues a new permit, the vendor shall return his original permit to the Minister forthwith for cancellation.

SECTION 4.—Subsection 1. This subsection expands the exemption from tax to the purchaser of prepared food products purchased from an eating establishment to include prepared food products sold at a price that does not exceed two dollars. Paragraph 1 now reads as follows:

1. *food products for human consumption except,*

- (a) *candies, confections, snack foods and soft drinks, other than soft drinks sold with prepared food products from an eating establishment, as defined by the Minister, at a total price for all soft drinks and prepared food products sold as part of the transaction that does not exceed one dollar, and*
- (b) *prepared food products purchased from an eating establishment, as defined by the Minister, the price of which exceeds one dollar.*

Subsection 2. This section is consequent on the change to paragraph 21 of section 1 of the Act contained in subsection 1 (4) of the Bill. Paragraph 2 now reads as follows:

2. *taxable services that are described in clause (c) of paragraph 21 of section 1 and that are,*

- (a) *provided to repair, adjust, restore or maintain real property,*
- (b) *provided to install tangible personal property that will become real property upon installation,*
- (c) *provided to maintain, restore or repair tangible personal property where the repairs or repair parts used in the maintenance, restoration or repair may be purchased exempt from tax,*
- (d) *provided to repair or recondition tangible personal property purchased for resale by a vendor, or*
- (e) *provided by a person for his own consumption or use.*

Subsection 3. The subsection updates the references to the *Motor Vehicle Fuel Tax Act* to reflect the repeal of that Act and the enactment of the *Fuel Tax Act, 1981*. Paragraphs 6 and 7 now read as follows:

- 6. *fuel taxed under the Motor Vehicle Fuel Tax Act;*
- 7. *fuel oil not taxed under the Motor Vehicle Fuel Tax Act.*

Subsection 4. This subsection clarifies the expressions used in the Act and adopts language consistent with the enactment of clause 45 (3) (i) of the Act in subsection 12 (2) of the Bill. Paragraph 13 now reads as follows:

- 13. *ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank.*

Subsection 5. This subsection removes the exemption for the purchasers of vehicles powered by alternate fuels and conversion kits and installation labour used to convert vehicles powered by gasoline or diesel fuel to the use of alternate fuels. The authority to provide a rebate of tax by regulation will be provided under subsection 12 (2) of the Bill. Paragraphs 14 and 14a now read as follows:

- 14. *vehicles that are required to be licensed under the Highway Traffic Act and the energy to operate which is either,*
 - (a) *exclusively electrical energy or energy derived from the internal combustion of ethanol, methanol, natural gas or manufactured gas, or*
 - (b) *energy described in clause (a), where the vehicle can also operate exclusively on energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act,**but not any vehicle the energy to operate which is a mix of a form of energy described in clause (a) and energy derived from a fuel described under the Fuel Tax Act, 1981 or the Gasoline Tax Act;*
- 14a. *tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that meets all of the requirements for exemption under paragraph 14 including the labour provided to install that conversion kit.*

Subsection 6. The subsection will improve the cash flow of farmers and universities by providing an exemption from tax, rather than the rebate previously available, to farmers with respect to materials used in constructing grain storage bins and grain dryers and to universities purchasing equipment used exclusively in research.

Subsection 7. This subsection deletes a reference to an Act that has been repealed. Paragraph 42 now reads as follows:

42. *equipment, as defined by the Minister, and purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under the Public Hospitals Act or that is established under the Community Psychiatric Hospitals Act or by a sanatorium as defined under the Sanatoria for Consumptives Act or by The Ontario Cancer Treatment and Research Foundation, and repairs to such equipment.*

Subsection 8. The amendment clarifies the application of the exemption to community colleges. Paragraph 51 now reads as follows:

51. *publications, as defined by the Minister, purchased by a school, school board or university or by a public library administered under the Public Libraries Act.*

Subsection 9. This provision extends the exemption from tax available to purchasers of books to include labour used to repair books. Paragraph 53 now reads as follows:

53. *books, as defined by the Minister.*

Subsection 10. This subsection ends the exemption from tax to the purchaser of a truck, truck tractor, truck trailer, tractor trailer or semi-trailer beginning with vehicles delivered after December 31st, 1986. Paragraph 70 now reads as follows:

70. *highway truck tractors having a gross vehicle mass rating, as defined by the Minister, of 11,778 kilograms or more, trucks designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more and truck trailers, tractor trailers and semi-trailers designed for the carriage of goods or freight having a gross vehicle mass rating of 11,778 kilograms or more, but the exemption conferred by this paragraph does not apply to trucks, truck tractors, truck trailers, tractor trailers or semi-trailers prescribed by the Minister to be excluded from this paragraph or used in any manner, process, industry, enterprise or by any person or class of persons prescribed by the Minister as not entitled to the exemption conferred by this paragraph.*

Subsection 11. This subsection provides that replacement parts used to honour an extended warranty, service or maintenance contract will not be taxable. This subsection is related to the changes contained in subsections 1 (2) and (3), section 2 and subsection 4 (2) of the Bill that amend the Act to provide that tax will be paid at the time of entering into an extended warranty, service or maintenance contract that covers the future delivery of taxable parts and labour; the parts and labour supplied will be tax exempt.

SECTION 5. The changes to this section reflect the repeal of the *Family Law Reform Act* and the enactment of the *Family Law Act, 1986*. The changes also insure that common law spouses will receive the same treatment as married persons. Subsections 6 (2), (3) and (4) now read as follows:

(2) *In subsection (1), "member of his family" means the father, mother, husband, wife, grandfather, grandmother, son, daughter, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law or mother-in-law of the purchaser.*

(3) *Subsection 2 (1) does not apply to the consumption or use by a person of tangible personal property acquired from the person's spouse or former spouse where the acquisition is the result of the breakdown or dissolution of the marriage of the person and the spouse or former spouse and is in satisfaction of the person's rights under the Family Law Reform Act.*

(4) *In subsection (3), "spouse" has the meaning given to that expression by clause 14 (b) of the Family Law Reform Act.*

SECTION 6. This section limits the exemption available to the purchaser of admission to a performance sponsored by non-profit clubs and associations to amateur performances and performances using Canadian performers and limits the exemption available with respect to performances sponsored by agricultural societies to performances, other than sporting events, that occur during an agricultural fair. Subsection 7 (2) now reads as follows:

(2) The tax imposed by subsection 2 (4) is not payable in respect of the price of admission to any entertainment, event, dance, performance or exhibition staged or held in a place of amusement by, or under the auspices or sponsorship of,

- (a) a registered Canadian amateur athletic association, as defined by paragraph 110 (8) (b) of the Income Tax Act (Canada), including a branch or affiliate association to which the registration under that Act of the Canadian amateur association of which it is a branch or affiliate has been extended;*
- (b) a registered charity, as defined by paragraph 110 (8) (c) of the Income Tax Act (Canada);*
- (c) a labour organization or society, or a benevolent or fraternal benefit society or order;*
- (d) an agricultural society constituted under the Agricultural Societies Act;*
- (e) an educational institution;*
- (f) a club, society, association, chamber of commerce or board of trade organized and operated for any purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof except a proprietor, member or shareholder that is a club, society or association the primary purpose and function of which is the promotion of amateur athletics in Canada; or*
- (g) an organization that is substantially assisted or supported financially from public funds of the Province of Ontario and that is prescribed by the Minister for the purpose of this subsection.*

SECTION 7. This amendment confirms that the seller of taxable services or of admissions to a place of amusement is required to keep records in the same manner as a seller of tangible personal property. Section 14 now reads as follows:

14. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

SECTION 8. The effect of the amendment is to permit the Minister to exchange information with taxing authorities in jurisdictions outside Canada, on a reciprocal basis. Subsection 15 (2) now reads as follows:

(2) The Minister may,

(a) communicate or allow to be communicated information obtained under this Act;
or

(b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, if the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information and written statements will not be used for any purpose other

than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

SECTION 9. This amendment clarifies the meaning of subsection 16a (4) by confirming that a person remains responsible for the payment of amounts assessed whether or not an objection to, or appeal from, an assessment is commenced. Subsection 16a (4) now reads as follows:

(4) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, remit to the Treasurer the amount assessed.

SECTION 10. This amendment clarifies the subsection by confirming that an assessment can also be varied by reassessment. Subsection 17 (7) now reads as follows:

(7) Subject to being vacated on objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding, and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and to be conclusively established as a debt owing to Her Majesty in right of Ontario.

SECTION 11. This section provides the Minister with improved mechanisms for the collection of tax that has not been remitted. Subsections 34 (1), (1a) and (6) now read as follows:

(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

(1a) Without limiting the generality of subsection (1), where the Minister has knowledge or suspects that a bank, credit union, trust company or other similar person, in this section referred to as "the institution", is about to advance moneys to, or make payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution and who has given security to the institution in respect of the indebtedness, he may, by registered letter or by letter served personally, require the institution to pay to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act the moneys that would otherwise be so advanced or paid, and the requirement shall apply to all moneys that would otherwise be so advanced or paid in the ninety days following the receipt of the registered letter or letter served personally.

(6) Subject to the Wages Act, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

SECTION 12.—Subsection 1. This subsection deletes the expression "registered consumer" which is no longer used under the Act. Clause 45 (3) (b) now reads as follows:

(b) prescribing for the purposes of this Act or the regulations the records and information to be kept and maintained by a vendor, registered consumer or purchaser.

Subsection 2. This subsection removes the authority to provide a rebate on materials used by farmers in constructing grain storage bins and dryers; an exemption will be provided through subsection 4 (6) of the Bill. The subsection also authorizes the Minister to provide a rebate of tax paid on vehicles powered by alternate fuels, vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits. The rebate is limited, except in the case of buses, as defined by the Minister, to a maximum of \$750 for vehicles converted to the use of propane and \$1,000 to vehicles converted to the use of other alternate fuels. Exemptions for vehicles powered by alternate fuels and conversion kits are repealed by subsection 4 (5) of the Bill. Clauses 45 (3) (i) and (j) now read as follows:

- (i) providing for the rebate to persons engaged in the business of farming of tax paid on the consumption of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made;*
- (j) providing for the rebate of the tax paid on the purchase of a motor vehicle that is, within thirty days of the date of sale, adapted or converted to permit it to operate in a manner described in clause (a) or (b) of paragraph 14 of subsection 5 (1), and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.*

Subsection 3. The re-enactment of clause 45 (3) (j) of the Act authorizes the Minister to make regulations, after the date this Bill receives Royal Assent, to continue to provide for a full rebate of tax paid on the purchase of vehicles converted to the use of alternate fuels, the kits used to convert those vehicles and the labour to install those kits, but only where the purchaser enters into a contract for the conversion within thirty days following Royal Assent of this Bill and the conversion is completed within ninety days.

Bill 26**1986****An Act to amend the Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

2. Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

3. Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in
name,
address or
nature of
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,

- (a) striking out "one dollar" in the seventh line of clause (a) and inserting in lieu thereof "two dollars"; and
- (b) striking out "one dollar" in the third line of clause (b) and inserting in lieu thereof "two dollars".

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after "(c)" in the first line "or (d)";
- (b) striking out "or" at the end of clause (d);
- (c) inserting "or" at the end of clause (e); and
- (d) by adding thereto the following clause:
 - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act*, 1981;
- 7. fuel oil that is not taxed under the *Fuel Tax Act*, 1981.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out "ethyl alcohol or methyl alcohol" in the first line and inserting in lieu thereof "ethanol or methanol"; and
- (b) striking out "alcohol" in the third line and inserting in lieu thereof "fuel".

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;

.

21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out "by a sanatorium as defined under the *Sanatoria for Consumptives Act* or" in the fifth, sixth and seventh lines and inserting in lieu thereof "purchased".

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after "school board" in the second line "community college".

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof "and repairs thereto".

(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “more,” in the eighth line “provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987”.

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out “husband, wife” in the second line and inserting in lieu thereof “spouse”.

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out “*Family Law Reform Act*” in the sixth line and inserting in lieu thereof “*Family Law Act, 1986*”.

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition
1986, c. 4

(4) In this section, “spouse” has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after “exhibition” in the third line “staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement are persons who are permanent residents in Canada as defined

in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,
c. 14

(3) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of
vendors of
taxable
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of
vendors who
operate
places of
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.

(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
 - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
 - (ii) not dealing at arm's length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing
effect of
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister's letter until the liability of the second-named person is satisfied; and

- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*. Application
of
R.S.O. 1980,
c. 526

12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out “registered consumer” in the third line.

(2) Clause 45 (3) (i) of the said Act, as amended by the *Statutes of Ontario, 1983, chapter 27, section 16*, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,
 - (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,
c. 198
 - (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or
 - (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* 1981, c. 59 or the *Gasoline Tax Act*, R.S.O. 1980,
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,

and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,
c. 198

1986, c. ...

Commence-
ment and
application



13.—(1) This Act, except subsections 4 (10) and 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent. Idem

(3) Subsection 4 (10) comes into force on the 1st day of January, 1987. Idem

(4) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. Idem

(5) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. Idem

14. The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*. Short title

Bill 26

(Chapter 66
Statutes of Ontario, 1986)

An Act to amend the Retail Sales Tax Act

The Hon. R. Nixon
Minister of Revenue

<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 23rd, 1986
<i>3rd Reading</i>	December 15th, 1986
<i>Royal Assent</i>	December 18th, 1986



Bill 26**1986****An Act to amend the Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 9 of section 1 of the *Retail Sales Tax Act*, being chapter 454 of the Revised Statutes of Ontario, 1980, is amended by striking out “cinematograph or moving picture machine or similar apparatus” in the third and fourth lines and inserting in lieu thereof “projector or similar equipment”.

(2) Clause (a) of paragraph 17 of the said section 1 is amended by inserting after “renders” in the seventh line “or undertakes to render”.

(3) Clause (b) of paragraph 21 of the said section 1, as amended by the Statutes of Ontario, 1982, chapter 36, section 1, is further amended by striking out “or” at the end thereof.

(4) Clause (c) of paragraph 21 of the said section 1, as enacted by the Statutes of Ontario, 1982, chapter 36, section 1, is repealed and the following substituted therefor:

- (c) labour provided to install, assemble, dismantle, adjust, repair or maintain tangible personal property; or
- (d) any contract for the service, maintenance or warranty of tangible personal property.

2. Subsection 2 (3) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 36, section 2, is further amended by striking out “(a) or (c)” in the amendment of 1982 and inserting in lieu thereof “(a), (c) or (d)”.

3. Subsection 3 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 3, is repealed and the following substituted therefor:

Change in
name,
address or
nature of
business

(1a) Where a permit has been issued to a vendor under subsection (1) and the vendor changes the name, address or nature of the vendor's business, the vendor shall notify the Minister of the change forthwith and the Minister may issue an amended permit.

4.—(1) Paragraph 1 of subsection 5 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 1, section 3, is amended by,

- (a) striking out “one dollar” in the seventh line of clause (a) and inserting in lieu thereof “two dollars”; and
- (b) striking out “one dollar” in the third line of clause (b) and inserting in lieu thereof “two dollars”.

(2) Paragraph 2 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3 and amended by 1983, chapter 27, section 4, is further amended by,

- (a) inserting after “(c)” in the first line “or (d)”;
- (b) striking out “or” at the end of clause (d);
- (c) inserting “or” at the end of clause (e); and
- (d) by adding thereto the following clause:
 - (f) provided to install tangible personal property that may be purchased exempt from tax under this subsection.

(3) Paragraphs 6 and 7 of the said subsection 5 (1) are repealed and the following substituted therefor:

1981, c. 59

- 6. fuel taxed under the *Fuel Tax Act, 1981*;
- 7. fuel oil that is not taxed under the *Fuel Tax Act, 1981*.

(4) Paragraph 13 of the said subsection 5 (1) is amended by,

- (a) striking out “ethyl alcohol or methyl alcohol” in the first line and inserting in lieu thereof “ethanol or methanol”; and
- (b) striking out “alcohol” in the third line and inserting in lieu thereof “fuel”.

(5) Paragraph 14 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, and paragraph 14a, as enacted by the Statutes of Ontario, 1981, chapter 38, section 2 and amended by 1983, chapter 27, section 4, are repealed.

(6) Subsection 5 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following paragraphs:

16. materials used in the construction or installation of structures used by persons engaged in the business of farming exclusively to dry grain or as farm grain storage bins, but the exemption conferred by this paragraph does not apply to materials used in footings and foundations, barns, greenhouses, silos or similar structures;
-
21. equipment purchased by the governing body of a university that is designed for use, and used exclusively, in research or investigation, and repair parts therefor, but the exemption conferred by this paragraph does not apply to any equipment, or repair parts therefor, or labour to install such parts or equipment, where that equipment is used in the instruction of students, or to any type or class of equipment that is prescribed by the Minister to be excluded from this paragraph, or repair parts for such equipment, or the labour to install such equipment or repair parts.

(7) Paragraph 42 of the said subsection 5 (1) is amended by striking out “by a sanatorium as defined under the *Sanatoria for Consumptives Act* or” in the fifth, sixth and seventh lines and inserting in lieu thereof “purchased”.

(8) Paragraph 51 of the said subsection 5 (1), as enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “school board” in the second line “community college”.

(9) Paragraph 53 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1982, chapter 36, section 3, is amended by adding at the end thereof “and repairs thereto”.

(10) Paragraph 70 of the said subsection 5 (1), as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 4, is amended by inserting after “more,” in the eighth line “provided that delivery of that truck, truck tractor, truck trailer, tractor trailer or semi-trailer is taken by the purchaser before the 1st day of January, 1987, and where the purchaser acquires a truck, truck tractor, truck trailer, tractor trailer or semi-trailer at a sale that is a lease or rental, the tax imposed by this Act shall be computed, paid and collected pursuant to subsection 2 (6) only with respect to those rental payments due and payable by the purchaser under the rental agreement on or after the 1st day of January, 1987”.

(11) Section 5 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 38, section 2, 1982, chapter 36, section 3, 1983, chapter 27, section 4, 1983, chapter 48, section 1, 1983, chapter 81, section 1 and 1986, chapter 1, section 3, is further amended by adding thereto the following subsection:

Exemption

(2a) Notwithstanding subsection (2), the purchaser of replacement parts to provide a service described in clause (d) of paragraph 21 of section 1 is exempt from the tax imposed by this Act.

5.—(1) Subsection 6 (2) of the said Act is amended by striking out “husband, wife” in the second line and inserting in lieu thereof “spouse”.

(2) Subsection 6 (3) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is amended by striking out “*Family Law Reform Act*” in the sixth line and inserting in lieu thereof “*Family Law Act, 1986*”.

(3) Subsection 6 (4) of the said Act, as enacted by the Statutes of Ontario, 1986, chapter 1, section 4, is repealed and the following substituted therefor:

Definition
1986, c. 4

(4) In this section, “spouse” has the meaning given to that expression by section 29 of the *Family Law Act, 1986*.

6.—(1) Subsection 7 (2) of the said Act is amended by inserting after “exhibition” in the third line “staged or held where no performer taking part in that entertainment, event, dance, performance or exhibition receives, or will receive, either directly or indirectly, any remuneration or any other consideration for the performance or where 90 per cent of the performers who regularly participate in the cast of a theatrical or musical performance staged or held in a place of amusement are persons who are permanent residents in Canada as defined

in the *Immigration Act, 1976* (Canada) or to any entertainment, event, dance, performance or exhibition that is”.

(2) Clause 7 (2) (d) of the said Act is repealed and the following substituted therefor:

- (d) an agricultural society constituted under the *Agricultural Societies Act*, during any agricultural fair held by the agricultural society except where the entertainment, event, performance or exhibition is a sporting event.

R.S.O. 1980,
c. 14

(3) Clause 7 (2) (f) of the said Act is repealed.

7. Section 14 of the said Act is amended by adding thereto the following subsections:

(2) Every vendor of taxable services shall keep records of all purchases and sales made by that vendor of tangible personal property whether for consumption or use or for resale, and any failure to do so constitutes an offence under this Act.

Records of
vendors of
taxable
services

(3) Every vendor who operates a place of amusement in Ontario shall keep records of the charges made by that vendor for entry to the place of amusement and for every entry that is provided to that place as a promotional distribution, and any failure to do so constitutes an offence under this Act.

Records of
vendors who
operate
places of
amusement

8. Subsection 15 (2) of the said Act is amended by striking out “the Government of Canada or any province of Canada” in the sixth and seventh lines and inserting in lieu thereof “any government” and by striking out “federal or provincial” in the twelfth and thirteenth lines.

9. Subsection 16a (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 7, is amended by adding at the end thereof “whether or not an objection to, or an appeal from, the assessment is outstanding”.

10. Subsection 17 (7) of the said Act is amended by inserting after “appeal” in the first line “and subject to a reassessment”.

11.—(1) Subsection 34 (1) of the said Act is amended by inserting after “that” in the second line “within ninety days”, by inserting after “Treasurer” in the seventh line “forthwith” and by adding at the end thereof “and the requirement shall apply to all moneys that would otherwise be so paid in the ninety days next following the receipt of the registered letter or letter served personally”.

(2) Subsection 34 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 27, section 12, is repealed and the following substituted therefor:

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

- (a) a bank, credit union, trust company or other similar person (in this section referred to as the “institution”) is about to loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by, a person liable to make a payment or remittance under this Act, who is indebted to the institution;
- (b) a person, other than an institution, is about to loan or advance moneys to or make a payment on behalf of, a person who is liable to make a payment or remittance under this Act and who is,
 - (i) employed by or engaged in providing goods or services to that person and who was, or will within ninety days be, so employed or engaged, or
 - (ii) not dealing at arm’s length with that person,

the Minister may, by registered letter, or by letter served personally, require the institution or person, as the case may be, to pay forthwith to the Treasurer on account of the liability of the person liable to make a payment or remittance under this Act all or part of the moneys that would otherwise have been loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the person liable to make a payment or remittance under this Act.

Continuing
effect of
requisition

(1b) Where, under this section, the Minister has required a person to pay to the Treasurer moneys otherwise payable as interest, rent, remuneration, a dividend, an annuity payment or other periodic payment to a person who is liable to make a payment or remittance under this Act,

- (a) the requirement shall apply to all such periodic payments to be made by the first-named person to the second-named person after the date of receipt of the Minister’s letter until the liability of the second-named person is satisfied; and

- (b) the payments required to be made to the Treasurer shall be the full amount of each payment or in such lesser amount as the Minister may designate in the Minister's letter.

(3) Subsection 34 (6) of the said Act is repealed and the following substituted therefor:

- (6) This section is subject to the provisions of the *Wages Act*. Application
of
R.S.O. 1980,
c. 526

12.—(1) Clause 45 (3) (b) of the said Act is amended by striking out “registered consumer” in the third line.

(2) Clause 45 (3) (i) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (i) providing for the rebate of the tax paid on the purchase of,
 - (i) a vehicle that is required to be licensed under the *Highway Traffic Act*, where the energy to operate the vehicle is either, R.S.O. 1980,
c. 198
 - (A) exclusively electrical energy or energy derived from the internal combustion of propane, natural gas, ethanol, methanol or manufactured gas, or
 - (B) energy described in sub-subclause (A), where the vehicle can also operate exclusively on energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, 1981, c. 59
R.S.O. 1980,
c. 186

but not any vehicle where the energy to operate the vehicle is a mix of a form of energy described in sub-subclause (A) and energy derived from a fuel described under the *Fuel Tax Act, 1981* or the *Gasoline Tax Act*, or

- (ii) a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale,

and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (A) or (B) within ninety days of the date of sale of the vehicle, or

- (iii) tangible personal property sold as a conversion kit to be used to convert any vehicle powered by a gasoline or diesel engine into a vehicle that operates in the manner described in sub-subclause (i) (A) or (B), including the labour to install that kit, where the vehicle is not so converted within ninety days of the date of sale of the vehicle,

and prescribing the basis upon which such rebate shall be calculated and the conditions under which it shall be made, up to a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$750 with respect to a vehicle using, or converted to the use of, propane and a maximum, in the case of a vehicle that is not a bus, as defined by the Minister, of \$1,000 with respect to a vehicle using, or converted to the use of, any other form of energy described in sub-subclause (i) (A) or (B).

(3) Clause 45 (3) (j) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 27, section 16, is repealed and the following substituted therefor:

- (j) providing for the rebate of the tax paid on the purchase of a vehicle that is powered by a gas or diesel engine and that is required to be licensed under the *Highway Traffic Act*, and any tangible personal property sold as a conversion kit, including the labour provided to install that conversion kit, where the purchaser enters into a contract for the conversion of the vehicle within thirty days of the date of sale, and the vehicle is in fact converted to permit it to operate in a manner described in sub-subclause (i) (i) (A) or (B) within ninety days of the date of sale of the vehicle where delivery of such vehicle is taken by the purchaser on or after the day following the day the *Retail Sales Tax Amendment Act, 1986* receives Royal Assent and before the thirtieth day following the day that Act receives Royal Assent.

R.S.O. 1980,
c. 198

1986, c. 66

Commence-
ment and
application

13.—(1) This Act, except subsections 4 (10) and 12 (3), comes into force on the thirtieth day following the day it receives Royal Assent.

(2) Subsection 12 (3) comes into force on the day following the day this Act receives Royal Assent. Idem

(3) Subsection 4 (10) comes into force on the 1st day of January, 1987. Idem

(4) Subsection 4 (5) and any regulation made under the authority created by subsection 12 (2) applies with respect to any vehicle or conversion kit delivery of which is taken by the purchaser on or after the day this Act comes into force or to any labour that is provided after that day to install a conversion kit. Idem

(5) Section 6 applies to any sale of admission to a place of amusement after the day this Act comes into force. Idem

14. The short title of this Act is the *Retail Sales Tax Amendment Act, 1986*. Short title

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B 56

Bill 27

An Act to amend the Corporations Tax Act

The Hon. R. Nixon
Minister of Revenue



1st Reading May 13th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

GENERAL. The Bill implements the proposals contained in the Treasurer's Budget of May 13th, 1986 and amends the *Corporations Tax Act* (the "Act"), consequential upon the passage of amendments to the *Income Tax Act* (Canada) (the "Federal Act"), in order to maintain the provisions of the Act in conformity with existing policies of the Treasurer for the taxation of corporations.

SECTION 1. The enactment of subsection 1 (7) of the Act will authorize regulations to be made by the Lieutenant Governor in Council to permit a corporation which is subject to tax under the Act, the Federal Act and the income tax laws of another country to obtain relief from double taxation (in the cases to be specified by the regulations) similar to the relief from double taxation under the Federal Act currently available to corporations through the operation of a Tax Treaty or Convention between Canada and the other country, which Treaty overrides the provisions of the Federal Act but not the provisions of the Act.

SECTION 2.—Subsection 1. The re-enactment of clause 12 (8) (a) of the Act implements the Treasurer's Budget proposal of limiting the claiming of a reserve by a corporation as a deduction from income with respect to deferred business profits earned but not received to a maximum time period of three taxation years.

Subsection 2. The addition of subsection 12 (17) to the Act, which is consequential upon amendments to the Federal Act providing that the processing of iron ore beyond the pellet stage to the prime metal stage will no longer qualify as a mining activity, continues the implementation of the Treasurer's 1982 Budget proposal that iron ore processing to prime metal stage will continue to qualify as a mining activity and, accordingly, Crown royalties paid will continue to be non-deductible and Crown royalties received will continue to be included in income with respect to iron ore processing to the prime metal stage.

SECTION 3.—Subsection 1. The repeal of subsection 13 (1a) of the Act implements the Treasurer's Budget proposal of imposing a maximum time limit of five years for claiming capital gains reserves.

Subsection 2. The re-enactment of subsection 13 (1b) of the Act, which is consequential upon the passage of amendments to the Federal Act, continues the implementation of the Treasurer's policy of treating foreign resource properties as capital properties.

SECTION 4. The amendments to subsection 14 (3) of the Act are consequential upon amendments to the Federal Act and ensure that foreign resource properties will continue to be treated as capital properties for Ontario purposes and reserves may continue to be claimed on the disposition of such properties prior to 1987.

SECTION 5. The amendments to subsections 16 (1) and (1a) of the Act remove references to repealed provisions of the Federal Act in order to continue the implementation of the Treasurer's policy of allowing reserves on the disposition prior to 1987 of Canadian resource properties, while the repeal of these subsections (which provided an exception to the application of the rules under the Federal Act) with respect to dispositions after 1986 implements the Treasurer's Budget proposal of denying the claiming of a reserve on the disposition of resource properties.

SECTION 6. The amendment to sub-subclause 18 (2) (b) (ii) (C) of the Act removes references to repealed provisions of the Federal Act in order to continue the implementation of the Treasurer's policy of permitting corporations primarily engaged in non-resource businesses to claim certain deductions with respect to Canadian exploration and development expenses, while the re-enactment of this sub-subclause with respect to dispositions after 1986 is consequential upon the Treasurer's Budget proposal to deny the claiming of reserves in respect of the disposition of resource properties.

SECTION 7.—Subsection 1. The re-enactment of clause 25 (3) (a) of the Act is consequential upon amendments to the Federal Act and continues the implementation of the existing tax treatment of resource related income and deductions for a partnership and its partners.

Subsection 2. The amendment removes a reference to former subsection 2 (3) of the Act which was repealed by the *Corporations Tax Amendment Act, 1985*.

SECTION 8. The amendment to subsection 27 (1) and enactment of subsection 27 (7) of the Act clarify that a corporation must add to its taxable income and non-capital loss for Ontario purposes the same amount that it has, for the purpose of increasing its entitlement to foreign tax credits under the Federal Act, added to its taxable income and non-capital loss for the taxation year under the Federal Act.

SECTION 9.—Subsections 1 and 2. The amendment to section 40 of the Act, which is consequential upon the increase in the income tax rate from 15 per cent to 15.5 per cent enacted by the *Corporations Tax Amendment Act, 1985*, clarifies that the “refundable capital gains tax on hand” of a mutual fund corporation, which is the amount of tax paid by a mutual fund corporation on its capital gains which is refundable to it when the capital gains are “transferred” to and taxable in the hands of its shareholders, equals the amount of tax paid or payable by the mutual fund corporation.

Subsection 3. The removal of the reference to paragraph 131 (6) (c) of the Federal Act is consequential upon the repeal of that paragraph due to redundancy in the Federal Act.

SECTION 10. The amendment to section 43 of the Act prorates the additional deduction from tax allowed to credit unions in the Treasurer’s Budget of October 24th, 1985, for taxation years ending after Royal Assent of the *Corporations Tax Amendment Act, 1985*, to ensure that the effective tax rate for credit unions will be 10 per cent, despite the increase in the general income tax rate from 15 per cent to 15.5 per cent as enacted by that Act.

SECTION 11.—Subsections 1 and 2. The amendment to subclause 53 (1) (c) (ii) of the Act and the repeal of subclause 53 (1) (c) (iii) of the Act are consequential upon the repeal of subsection 13 (1a) of the Act by section 3 of this Bill and the repeal of subsections 16 (1) and (1a) of the Act by section 5 of this Bill.

Subsections 3 and 4. The amendments clarify that accounts payable outstanding for a significant period of time and bankers’ acceptances be included in a corporation’s taxable paid-up capital, upon which capital tax is imposed.

SECTION 12.—Subsections 1, 2, 3 and 4. The amendments to section 54 of the Act implement the Treasurer’s Budget proposals of,

- (a) extending the “120 day rule” to permit an investment allowance deduction in the calculation of the taxable paid-up capital of a corporation, upon which capital tax is imposed, only with respect to investments made by the corporation which have a term of at least 120 days or which have been held for at least 120 days; and
- (b) providing tax relief to investment dealers by permitting an investment allowance deduction in the calculation of the taxable paid-up capital of a corporation that is an investment dealer with respect to money market instruments held in the inventory of the investment dealer.

Subsections 5 and 6. The amendment to subclause 54 (3) (c) (ii) of the Act and the repeal of subclause 54 (3) (c) (iii) of the Act are consequential upon the repeal of subsection 13 (1a) of the Act by section 3 of this Bill and the repeal of subsections 16 (1) and (1a) of the Act by section 5 of this Bill.

SECTION 13. The amendments to section 61 of the Act are consequential upon the repeal of the definition of "connected partnerships" in the Federal Act, which had been adopted for the purposes of the Act in determining whether a corporation which was a member of a partnership or a "connected partnership" was eligible to pay the reduced rate of capital tax, and add the same definition to the Act that was former subsection 125 (13) of the Federal Act.

SECTION 14. The re-enactment of clause 67 (1a) (e) clarifies that a corporation will not qualify as a "special small corporation" and be exempt from the requirement to file a return under the Act if its income tax liability was reduced to nil by reason of being eligible to claim tax credits but will qualify only if it had no taxable income for the year.

Bill 27

1986

An Act to amend the Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, 1983, chapter 29, section 1, 1984, chapter 29, section 1 and 1985, chapter 11, section 1, is further amended by adding thereto the following subsection:

(7) Where,

Tax Treaty

(a) a corporation is subject to tax under this Act and under the *Income Tax Act* (Canada); and

R.S.C. 1952,
c. 148

(b) the corporation's liability for tax under the *Income Tax Act* (Canada) is subject to and modified by the application of the provisions of a Tax Treaty, Agreement or Convention between Canada and another country,

the provisions of this Act may be modified and applied in the manner prescribed by the regulations for the purpose of giving effect to a provision of such a Treaty, Agreement or Convention for the purposes of this Act.

2.—(1) Clause 12 (8) (a) of the said Act is repealed and the following substituted therefor:

(a) notwithstanding subsection 20 (8) of the *Income Tax Act* (Canada), the said paragraph (n) does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if,

R.S.C. 1952,
c. 148

- (i) the corporation at the end of the taxation year or at any time in the immediately following taxation year,
 - (A) was exempt from tax under any provision of this Part, or
 - (B) ceased to have a permanent establishment in Canada, or
 - (ii) the sale occurred more than thirty-six months before the end of the taxation year; and
-

(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1, 1983, chapter 29, section 2, 1984, chapter 29, section 2 and 1985, chapter 11, section 6, is further amended by adding thereto the following subsection:

Idem

(17) In the application of subparagraphs 12 (l) (o) (v) and 18 (1) (m) (v) of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:

1. Clause 12 (1) (o) (v) (B) shall be read as follows:

(B) to any stage that is not beyond the prime metal stage or its equivalent, of metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource.

2. Clauses 12 (1) (o) (v) (C) and 18 (1) (m) (v) (C) are not applicable for the purposes of this Act.

3. Clause 18 (1) (m) (v) (B) shall be read as follows:

(B) metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource in Canada to any stage that is not beyond the prime metal stage or its equivalent.

3.—(1) Subsection 13 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed.

(2) Subsection 13 (1b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed and the following substituted therefor:

(1b) In the application of paragraph 39 (1) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, sub-paragraph 39 (1) (a) (ii.1) is not applicable.

Idem
R.S.C. 1952,
c. 148

4.—(1) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4 and amended by the Statutes of Ontario, 1984, chapter 29, section 4, is repealed and the following substituted therefor:

- (a) subsection (1) and paragraphs (3.2) (a) and (3.3) (f) of the said section are not applicable; and

(2) Clause 14 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out “subsections (2) and (2.1)” in the first line and inserting in lieu thereof “subsection (2)”.

5.—(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.1) or (3.1) of the said Act applies” in the sixth and seventh lines.

(2) Subsection 16 (1) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987.

(3) Subsection 16 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.2) of the said Act applies” in the sixth and seventh lines.

(4) Subsection 16 (1a) of the said Act, as amended by subsection (3) of this section, is repealed on the 1st day of January, 1987.

6.—(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out “or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act” in the third, fourth, fifth and sixth lines.

(2) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987 and the following substituted therefor:

- (C) the aggregate of amounts, each of which is an amount in respect of a Canadian

resource property that has been disposed of by it, equal to the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

7.—(1) Clause 25 (3) (a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 9, is repealed and the following substituted therefor:

R.S.C. 1952,
c. 148

(a) subsections 66.1 (1), 66.2 (1) and 66.4 (1) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by section 18a of this Act.

(2) Subsection 25 (4) of the said Act is amended by striking out “or (3), as the case may be” in the third line and in the fifth line.

8.—(1) Subsection 27 (1) of the said Act is amended by striking out “deductions” in the fifth line and inserting in lieu thereof “additions and deductions”.

(2) Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, 1984, chapter 29, section 8 and 1985, chapter 11, section 11, is further amended by adding thereto the following subsection:

Idem

R.S.C. 1952,
c. 148

(7) In the application of section 110.5 and paragraph 111 (8) (b) of the *Income Tax Act* (Canada) for the purposes of this Act, the amount determined under section 110.5 added to the taxable income of the corporation for the taxation year and to the non-capital loss of the corporation for the taxation year under subparagraph 111 (8) (b) (ii) for the purposes of that Act shall be the amount added to the taxable income and included in the non-capital loss of the corporation for the taxation year for the purposes of this Act.

9.—(1) Subsection 40 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 15 and amended by 1985, chapter 11, section 19, is further amended by adding at the commencement thereof “Subject to subsection (5a)”.

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 15 and 1985, chapter 11,

section 19, is further amended by adding thereto the following subsection:

(5a) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act, the percentage referred to in clauses (A) and (B) thereof shall, with respect to a taxation year ending after the 18th day of December, 1985 but commencing before the 19th day of December, 1985, be read as 15 per cent plus that proportion of $\frac{1}{2}$ of 1 per cent that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year. Idem

(3) Subsection 40 (7) of the said Act is amended by striking out “and paragraph (6) (c) of the said section” in the second line.

10.—(1) Subsection 43 (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 21, is amended by adding at the commencement thereof “Subject to subsection (6)”.

(2) Section 43 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 11, section 21, is further amended by adding thereto the following subsection:

(6) In the application of subsection (4), where the taxation year of a corporation that was, throughout the taxation year, a credit union, ends after the 18th day of December, 1985, but commenced before the 19th day of December, 1985, the deduction from tax permitted under subsection (4) shall not exceed the aggregate of, Idem

- (a) that proportion of the amount that would be deductible from tax under subsection (4), if the reference to “5.5 per cent” in the fourth line thereof was read as “5 per cent”, that the number of days in the taxation year before the 19th day of December, 1985 is of the total number of days in the taxation year; and
- (b) that proportion of the amount otherwise deductible from tax under subsection (4) that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year.

11.—(1) Subclause 53 (1) (c) (ii) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 29, section 15, is amended by striking out “subsections 13 (1) and (1a)” in

the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(2) Subclause 53 (1) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 17, is repealed.

(3) Subsection 53 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by striking out "and" at the end of clause (d), by adding "and" at the end of clause (e) and by adding thereto the following clause:

- (f) all its indebtedness represented by bankers' acceptances.

(4) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1982, chapter 19, section 3, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by adding thereto the following subsection:

Accounts
payable

(1a) For the purpose of clause (1) (d), sums or credits advanced or loaned to the corporation include,

- (a) accounts payable to a related corporation that have been outstanding for 120 or more days prior to the end of the taxation year; and
- (b) accounts payable to a corporation other than a related corporation that have been outstanding for 365 or more days prior to the end of the taxation year.

12.—(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1983, chapter 29, section 18, is further amended,

- (a) by adding at the commencement thereof "subject to subsection 54 (2d)";
- (b) by striking out "shares and bonds" in the fifth line and inserting in lieu thereof "shares, bonds and lien notes".

(2) Subclause 54 (1) (c) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is amended by adding at the end thereof "prior to the end of the taxation year".

(3) Subclause 54 (1) (c) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 11 and amended by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed and the following substituted therefor:

- (v) bankers' acceptances are deemed not to be loans and advances to other corporations unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
-
- (vii) bonds or treasury bills issued by a government are deemed not to be bonds or securities of a government unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (viii) loans and advances to other corporations are deemed not to include commercial paper issued by a corporation unless issued for a term of 120 or more days and held by the corporation for at least 120 days prior to the end of the taxation year or, if issued without a specified term, unless held by the corporation for at least 120 days prior to the end of the taxation year,
- (ix) accounts receivable by the corporation from a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 120 or more days prior to the end of the taxation year, and
- (x) accounts receivable by the corporation from a corporation other than a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 365 or more days prior to the end of the taxation year.

(4) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, 1982, chapter 19, section 4, 1983, chapter 29, section 18, 1984, chapter 29, section 16 and 1985, chapter 11, section 24, is further amended by adding thereto the following subsection:

Application

(2d) Subclauses 54 (1) (c) (iv), (v), (vii) and (viii) do not apply for the purposes of determining the amount under clause 54 (1) (c) deductible by a corporation which is an investment dealer or broker in respect of money market instruments, including treasury bills and bonds issued by a government, bearer deposit notes issued by a bank, commercial paper and bankers' acceptances, where such instruments are included in the corporation's inventory of securities at the end of the taxation year being held for sale to its customers and, for the purpose of clause 54 (1) (c), such instruments are deemed to be investments made by the corporation.

(5) Subclause 54 (3) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 16, is amended by striking out "subsections 13 (1) and (1a)" in the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(6) Subclause 54 (3) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed.

13.—(1) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13 and amended by 1983, chapter 29, section 19, is further amended by striking out "as defined in subsection 125 (13) of the *Income Tax Act* (Canada)," in the second and third lines.

(2) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, 1983, chapter 29, section 19 and 1984, chapter 29, section 17, is further amended by adding thereto the following subsection:

Connected
partnerships

(7) For the purposes of this section, a partnership of which a corporation was a member in a taxation year (hereinafter referred to as the "first partnership") is connected with another partnership (hereinafter referred to as the "second partnership") if,

- (a) more than 50 per cent of the total income or loss, as the case may be, of the first partnership for its fiscal periods ending in or coinciding with the taxation year is included in the determination of the income of a particular person or a particular group of persons; and
- (b) more than 50 per cent of the total income or loss, as the case may be, of the second partnership for its fiscal periods ending in or coinciding with the tax-

tion year is included in the determination of the income of,

- (i) the particular person,
- (ii) the particular group of persons,
- (iii) any corporation associated with the particular person or with any member of the particular group of persons,
- (iv) any group of corporations each member of which is associated with the particular person or with any member of the particular group of persons, or
- (v) any group of persons each member of which is a person or a member of a group of persons described in any of subclauses (i) to (iv).

14. Clause 67 (1a) (e) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 29, is repealed and the following substituted therefor:

- (e) it had no taxable income under this Act for the taxation year and the only tax payable by it under this Act for the taxation year is imposed by Part III and does not exceed \$100.

15.—(1) Section 1 comes into force on the day after the day this Act receives Royal Assent. Commence-
ment and
application

(2) Subsection 2 (1) and subsection 3 (1) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986. Idem

(3) Subsections 5 (2) and (4) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986. Idem

(4) Subsection 6 (2) comes into force on the 1st day of January, 1987, and applies in respect of taxation years of corporations ending after the 31st day of December, 1986, where a disposition has occurred after the 31st day of December, 1986. Idem

(5) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1985, and applies with respect to amounts payable after the 31st day of December, 1984. Idem

- Idem (6) Subsection 3 (2), subsections 4 (1) and (2) and section 7 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations with respect to all taxation years commencing after the 31st day of December, 1984.
- Idem (7) Subsection 6 (1) shall be deemed to have come into force on the 1st day of January, 1985, and applies to corporations with respect to dispositions occurring in taxation years commencing after the 31st day of December, 1984.
- Idem (8) Subsections 5 (1) and (3) shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to dispositions made by a corporation before the 1st day of January, 1987, in any taxation year of the corporation commencing after the 31st day of December, 1984.
- Idem (9) Subsections 9 (1) and (2) and section 10 shall be deemed to have come into force on the 19th day of December, 1985, and apply to corporations in respect of all taxation years ending after the 18th day of December, 1985.
- Idem (10) Section 8, subsection 9 (3) and section 13 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1984.
- Idem (11) Subsections 11 (3) and (4) and subsections 12 (1), (2), (3) and (4) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986.
- Idem (12) Subsections 11 (1) and (2) and subsections 12 (5) and (6) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986, with respect to dispositions made after the 31st day of December, 1986.
- Idem (13) Section 14 shall be deemed to have come into force on the 1st day of April, 1986, and applies to corporations in respect of all taxation years ending after the 31st day of March, 1986.
- Short title **16.** The short title of this Act is the *Corporations Tax Amendment Act, 1986*.

Bill 27

*(Chapter 39
Statutes of Ontario, 1986)*

An Act to amend the Corporations Tax Act

The Hon. R. Nixon
Minister of Revenue

<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 23rd, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986



Bill 27

1986

An Act to amend the Corporations Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 37, section 1, 1983, chapter 29, section 1, 1984, chapter 29, section 1 and 1985, chapter 11, section 1, is further amended by adding thereto the following subsection:

(7) Where,

Tax Treaty

(a) a corporation is subject to tax under this Act and under the *Income Tax Act* (Canada); and

R.S.C. 1952,
c. 148

(b) the corporation's liability for tax under the *Income Tax Act* (Canada) is subject to and modified by the application of the provisions of a Tax Treaty, Agreement or Convention between Canada and another country,

the provisions of this Act may be modified and applied in the manner prescribed by the regulations for the purpose of giving effect to a provision of such a Treaty, Agreement or Convention for the purposes of this Act.

2.—(1) Clause 12 (8) (a) of the said Act is repealed and the following substituted therefor:

(a) notwithstanding subsection 20 (8) of the *Income Tax Act* (Canada), the said paragraph (n) does not apply to allow a deduction in computing the income of a corporation for a taxation year from a business in respect of a property sold in the course of the business if,

R.S.C. 1952,
c. 148

- (i) the corporation at the end of the taxation year or at any time in the immediately following taxation year,
 - (A) was exempt from tax under any provision of this Part, or
 - (B) ceased to have a permanent establishment in Canada, or
- (ii) the sale occurred more than thirty-six months before the end of the taxation year; and

(2) Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1, 1983, chapter 29, section 2, 1984, chapter 29, section 2 and 1985, chapter 11, section 6, is further amended by adding thereto the following subsection:

Idem

R.S.C. 1952,
c. 148

(17) In the application of subparagraphs 12 (l) (o) (v) and 18 (1) (m) (v) of the *Income Tax Act* (Canada) for the purposes of this Act, the following rules apply:

1. Clause 12 (1) (o) (v) (B) shall be read as follows:

(B) to any stage that is not beyond the prime metal stage or its equivalent, of metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource.

2. Clauses 12 (1) (o) (v) (C) and 18 (1) (m) (v) (C) are not applicable for the purposes of this Act.

3. Clause 18 (1) (m) (v) (B) shall be read as follows:

(B) metal or minerals (other than petroleum or related hydrocarbons) from a mineral resource in Canada to any stage that is not beyond the prime metal stage or its equivalent.

3.—(1) Subsection 13 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed.

(2) Subsection 13 (1b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 3, is repealed and the following substituted therefor:

(1b) In the application of paragraph 39 (1) (a) of the *Income Tax Act* (Canada) for the purposes of this Act, sub-paragraph 39 (1) (a) (ii.1) is not applicable.

Idem
R.S.C. 1952,
c. 148

4.—(1) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4 and amended by the Statutes of Ontario, 1984, chapter 29, section 4, is repealed and the following substituted therefor:

- (a) subsection (1) and paragraphs (3.2) (a) and (3.3) (f) of the said section are not applicable; and

(2) Clause 14 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out “subsections (2) and (2.1)” in the first line and inserting in lieu thereof “subsection (2)”.

5.—(1) Subsection 16 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.1) or (3.1) of the said Act applies” in the sixth and seventh lines.

(2) Subsection 16 (1) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987.

(3) Subsection 16 (1a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 5, is amended by striking out “to which subsection 59 (1.2) of the said Act applies” in the sixth and seventh lines.

(4) Subsection 16 (1a) of the said Act, as amended by subsection (3) of this section, is repealed on the 1st day of January, 1987.

6.—(1) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out “or a property referred to in paragraph 59 (1.2) (b) of the *Income Tax Act* (Canada) or subsection 59 (3.1) of that Act” in the third, fourth, fifth and sixth lines.

(2) Sub-subclause 18 (2) (b) (ii) (C) of the said Act, as amended by subsection (1) of this section, is repealed on the 1st day of January, 1987 and the following substituted therefor:

- (C) the aggregate of amounts, each of which is an amount in respect of a Canadian

resource property that has been disposed of by it, equal to the amount included in computing its income for the taxation year by virtue of subsection 14 (3) in respect of the disposition of the property,

7.—(1) Clause 25 (3) (a) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 29, section 9, is repealed and the following substituted therefor:

R.S.C. 1952,
c. 148

(a) subsections 66.1 (1), 66.2 (1) and 66.4 (1) of the *Income Tax Act* (Canada) shall be deemed to be references to those provisions as made applicable by section 18a of this Act.

(2) Subsection 25 (4) of the said Act is amended by striking out “or (3), as the case may be” in the third line and in the fifth line.

8.—(1) Subsection 27 (1) of the said Act is amended by striking out “deductions” in the fifth line and inserting in lieu thereof “additions and deductions”.

(2) Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, 1984, chapter 29, section 8 and 1985, chapter 11, section 11, is further amended by adding thereto the following subsection:

Idem
R.S.C. 1952,
c. 148

(7) In the application of section 110.5 and paragraph 111 (8) (b) of the *Income Tax Act* (Canada) for the purposes of this Act, the amount determined under section 110.5 added to the taxable income of the corporation for the taxation year and to the non-capital loss of the corporation for the taxation year under subparagraph 111 (8) (b) (ii) for the purposes of that Act shall be the amount added to the taxable income and included in the non-capital loss of the corporation for the taxation year for the purposes of this Act.

9.—(1) Subsection 40 (5) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 15 and amended by 1985, chapter 11, section 19, is further amended by adding at the commencement thereof “Subject to subsection (5a)”.

(2) Section 40 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 15 and 1985, chapter 11,

section 19, is further amended by adding thereto the following subsection:

(5a) In the application of subparagraph 131 (6) (d) (i) of the said Act for the purposes of this Act, the percentage referred to in clauses (A) and (B) thereof shall, with respect to a taxation year ending after the 18th day of December, 1985 but commencing before the 19th day of December, 1985, be read as 15 per cent plus that proportion of $\frac{1}{2}$ of 1 per cent that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year. Idem

(3) Subsection 40 (7) of the said Act is amended by striking out “and paragraph (6) (c) of the said section” in the second line.

10.—(1) Subsection 43 (4) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 21, is amended by adding at the commencement thereof “Subject to subsection (6)”.

(2) Section 43 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 11, section 21, is further amended by adding thereto the following subsection:

(6) In the application of subsection (4), where the taxation year of a corporation that was, throughout the taxation year, a credit union, ends after the 18th day of December, 1985, but commenced before the 19th day of December, 1985, the deduction from tax permitted under subsection (4) shall not exceed the aggregate of, Idem

- (a) that proportion of the amount that would be deductible from tax under subsection (4), if the reference to “5.5 per cent” in the fourth line thereof was read as “5 per cent”, that the number of days in the taxation year before the 19th day of December, 1985 is of the total number of days in the taxation year; and
- (b) that proportion of the amount otherwise deductible from tax under subsection (4) that the number of days in the taxation year after the 18th day of December, 1985 is of the total number of days in the taxation year.

11.—(1) Subclause 53 (1) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 15, is amended by striking out “subsections 13 (1) and (1a)” in

the third and fourth lines and inserting in lieu thereof “subsection 13 (1)”.

(2) Subclause 53 (1) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 17, is repealed.

(3) Subsection 53 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by striking out “and” at the end of clause (d), by adding “and” at the end of clause (e) and by adding thereto the following clause:

- (f) all its indebtedness represented by bankers’ acceptances.

(4) Section 53 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 10, 1982, chapter 19, section 3, 1983, chapter 29, section 17 and 1984, chapter 29, section 15, is further amended by adding thereto the following subsection:

Accounts
payable

(1a) For the purpose of clause (1) (d), sums or credits advanced or loaned to the corporation include,

- (a) accounts payable to a related corporation that have been outstanding for 120 or more days prior to the end of the taxation year; and
- (b) accounts payable to a corporation other than a related corporation that have been outstanding for 365 or more days prior to the end of the taxation year.

12.—(1) Clause 54 (1) (c) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11 and 1983, chapter 29, section 18, is further amended,

- (a) by adding at the commencement thereof “subject to subsection 54 (2d)”;
- (b) by striking out “shares and bonds” in the fifth line and inserting in lieu thereof “shares, bonds and lien notes”.

(2) Subclause 54 (1) (c) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is amended by adding at the end thereof “prior to the end of the taxation year”.

(3) Subclause 54 (1) (c) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 11 and amended by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed and the following substituted therefor:

- (v) bankers' acceptances are deemed not to be loans and advances to other corporations unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (vii) bonds or treasury bills issued by a government are deemed not to be bonds or securities of a government unless they have been issued for a term of 120 or more days and have been held by the corporation for at least 120 days prior to the end of the taxation year,
- (viii) loans and advances to other corporations are deemed not to include commercial paper issued by a corporation unless issued for a term of 120 or more days and held by the corporation for at least 120 days prior to the end of the taxation year or, if issued without a specified term, unless held by the corporation for at least 120 days prior to the end of the taxation year,
- (ix) accounts receivable by the corporation from a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 120 or more days prior to the end of the taxation year, and
- (x) accounts receivable by the corporation from a corporation other than a related corporation are deemed not to be loans and advances to other corporations unless they have been outstanding for 365 or more days prior to the end of the taxation year.

(4) Section 54 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 11, 1982, chapter 19, section 4, 1983, chapter 29, section 18, 1984, chapter 29, section 16 and 1985, chapter 11, section 24, is further amended by adding thereto the following subsection:

Application

(2d) Subclauses 54 (1) (c) (iv), (v), (vii) and (viii) do not apply for the purposes of determining the amount under clause 54 (1) (c) deductible by a corporation which is an investment dealer or broker in respect of money market instruments, including treasury bills and bonds issued by a government, bearer deposit notes issued by a bank, commercial paper and bankers' acceptances, where such instruments are included in the corporation's inventory of securities at the end of the taxation year being held for sale to its customers and, for the purpose of clause 54 (1) (c), such instruments are deemed to be investments made by the corporation.

(5) Subclause 54 (3) (c) (ii) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 29, section 16, is amended by striking out "subsections 13 (1) and (1a)" in the third and fourth lines and inserting in lieu thereof "subsection 13 (1)".

(6) Subclause 54 (3) (c) (iii) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 18, is repealed.

13.—(1) Clause 61 (4) (b) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 13 and amended by 1983, chapter 29, section 19, is further amended by striking out "as defined in subsection 125 (13) of the *Income Tax Act* (Canada)," in the second and third lines.

(2) Section 61 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 13, 1983, chapter 29, section 19 and 1984, chapter 29, section 17, is further amended by adding thereto the following subsection:

Connected
partnerships

(7) For the purposes of this section, a partnership of which a corporation was a member in a taxation year (hereinafter referred to as the "first partnership") is connected with another partnership (hereinafter referred to as the "second partnership") if,

- (a) more than 50 per cent of the total income or loss, as the case may be, of the first partnership for its fiscal periods ending in or coinciding with the taxation year is included in the determination of the income of a particular person or a particular group of persons; and
- (b) more than 50 per cent of the total income or loss, as the case may be, of the second partnership for its fiscal periods ending in or coinciding with the tax-

tion year is included in the determination of the income of,

- (i) the particular person,
- (ii) the particular group of persons,
- (iii) any corporation associated with the particular person or with any member of the particular group of persons,
- (iv) any group of corporations each member of which is associated with the particular person or with any member of the particular group of persons, or
- (v) any group of persons each member of which is a person or a member of a group of persons described in any of subclauses (i) to (iv).

14. Clause 67 (1a) (e) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 11, section 29, is repealed and the following substituted therefor:

- (e) it had no taxable income under this Act for the taxation year and the only tax payable by it under this Act for the taxation year is imposed by Part III and does not exceed \$100.

15.—(1) Section 1 comes into force on the day after the day this Act receives Royal Assent.

Commence-
ment and
application

(2) Subsection 2 (1) and subsection 3 (1) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.

Idem

(3) Subsections 5 (2) and (4) come into force on the 1st day of January, 1987, and apply with respect to dispositions made after the 31st day of December, 1986.

Idem

(4) Subsection 6 (2) comes into force on the 1st day of January, 1987, and applies in respect of taxation years of corporations ending after the 31st day of December, 1986, where a disposition has occurred after the 31st day of December, 1986.

Idem

(5) Subsection 2 (2) shall be deemed to have come into force on the 1st day of January, 1985, and applies with respect to amounts payable after the 31st day of December, 1984.

Idem

- Idem (6) Subsection 3 (2), subsections 4 (1) and (2) and section 7 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations with respect to all taxation years commencing after the 31st day of December, 1984.
- Idem (7) Subsection 6 (1) shall be deemed to have come into force on the 1st day of January, 1985, and applies to corporations with respect to dispositions occurring in taxation years commencing after the 31st day of December, 1984.
- Idem (8) Subsections 5 (1) and (3) shall be deemed to have come into force on the 1st day of January, 1985, and apply with respect to dispositions made by a corporation before the 1st day of January, 1987, in any taxation year of the corporation commencing after the 31st day of December, 1984.
- Idem (9) Subsections 9 (1) and (2) and section 10 shall be deemed to have come into force on the 19th day of December, 1985, and apply to corporations in respect of all taxation years ending after the 18th day of December, 1985.
- Idem (10) Section 8, subsection 9 (3) and section 13 shall be deemed to have come into force on the 1st day of January, 1985, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1984.
- Idem (11) Subsections 11 (3) and (4) and subsections 12 (1), (2), (3) and (4) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986.
- Idem (12) Subsections 11 (1) and (2) and subsections 12 (5) and (6) come into force on the 1st day of January, 1987, and apply to corporations in respect of all taxation years ending after the 31st day of December, 1986, with respect to dispositions made after the 31st day of December, 1986.
- Idem (13) Section 14 shall be deemed to have come into force on the 1st day of April, 1986, and applies to corporations in respect of all taxation years ending after the 31st day of March, 1986.
- Short title **16.** The short title of this Act is the *Corporations Tax Amendment Act, 1986*.

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Bill 28

An Act to amend the Income Tax Act

The Hon. R. Nixon
Minister of Revenue



1st Reading May 13th, 1986
2nd Reading
3rd Reading
Royal Assent

EXPLANATORY NOTES

GENERAL. The Bill implements the proposal contained in the Treasurer's Budget of May 13th, 1986 and amends the *Income Tax Act* consequential upon the passage of amendments to the *Income Tax Act* (Canada) (the "Federal Act").

SECTION 1. The re-enactment of section 2b implements the Treasurer's Budget proposal to continue the surcharge currently in force for the 1986 taxation year to subsequent taxation years, with the surcharge continuing to be calculated as 3 per cent of Ontario income tax in excess of \$5,000, determined before any deduction for the foreign tax credit, property tax credit or sales tax credit.

SECTION 2. The addition of the reference to paragraph 110 (1) (d) of the Federal Act in subclause 3 (8) (b) (ii) of the Act is consequential upon amendments to the Federal Act and ensures that a taxpayer's foreign tax credit will not be eroded as a result of claiming a deduction in respect of a stock option benefit.

SECTION 3. The amendment is consequential upon the reduction of the general time limit for permitting refunds of tax under the Federal Act and under the Act, as provided for by section 7 of this Bill, and provides that applications for tax credits under section 7 of the Act must be made within three years after the end of the taxation year to which the credit relates.

SECTION 4. The amendment clarifies that taxpayers are required to file a tax return even though they may have reduced their tax liability under the Act to nil by having claimed a scientific research tax credit or a scientific research and experimental development tax credit in the calculation of their Federal income tax for the year.

SECTION 5.—Subsections 1, 2, 4 and 5. The amendments reduce the existing general time limit during which the Minister may issue reassessments and additional assessments of tax under the Act from four years to three years to parallel similar changes in the Federal Act.

Subsection 3. The enactment of subsection 10 (4a) provides a time limit for issuing additional assessments and reassessments of tax when a taxpayer, who has filed a waiver of the time limit for such assessments and reassessments, subsequently revokes the waiver.

SECTION 6. The amendment provides that the Minister will not assess interest if the total amount of interest payable by a taxpayer on late or deficient tax instalments under the Act and the Federal Act does not exceed \$25 for the taxation year.

SECTION 7.—Subsection 1. The amendments are consequential upon the reduction of the general time limit for issuing reassessments and additional assessments of tax and permit a refund of tax if a taxpayer files a return within the new time limit of three years.

Subsection 2. The amendments are consequential upon technical amendments to the wording of the Federal Act.

Subsection 3. Subsection 19 (4a) of the Act provides that where on the disposition of an appeal a Court has ordered the Minister to issue a reassessment, the Minister shall make the reassessment with all due dispatch and shall refund any resulting overpayment to the taxpayer, notwithstanding that the Minister may intend to appeal the Court decision, and the Minister may similarly repay taxes paid by any other taxpayer who has appealed or objected to an assessment where the reasons given by the Court on the appeal are such that it is considered just and equitable to make a tax refund to the other taxpayer.

SECTION 8. The amendment is consequential upon the reduction of the general time limit for issuing additional assessments and reassessments under the Act.

SECTION 9. The amendment provides that if the Minister has not confirmed an assessment or issued a reassessment within ninety days of receipt of a taxpayer's notice of

objection, instead of within the current time period of 180 days, the taxpayer may proceed to appeal the assessment to the Supreme Court of Ontario without waiting further.

SECTION 10. The re-enactment of subsection 27 (3) and the enactment of subsection 27 (3a) permit the Minister to accept and release security for the payment of taxes, interest and penalties under the Act in a manner similar to the authority to take security for the payment of taxes under other statutes administered by the Minister.

SECTION 11. The amendment clarifies that interest is calculated by reference to amounts that a taxpayer was required to deduct and withhold but failed to deduct and withhold under the Act.

Bill 28

1986

An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 12, section 1, is repealed and the following substituted therefor:

2b. Every individual shall, in addition to the amount of tax otherwise payable by such taxpayer under this Act, pay an additional income tax in respect of the 1986 and subsequent taxation years equal to 3 per cent of the amount, if any, by which the tax that would, but for section 120.1 of the Federal Act, be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$5,000. Surcharge

2. Subclause 3 (8) (b) (ii) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is further amended by striking out “paragraph 110 (1) (f) or” in the amendment of 1984 and inserting in lieu thereof “paragraph 110 (1) (d) or (f) or”.

3. Subsection 7 (13) of the said Act is amended by striking out “four” in the eighteenth line and inserting in lieu thereof “three”.

4. Subsection 8 (1) of the said Act is amended by inserting after “Act” in the second line “or would be payable but for the application of section 127.3 of the Federal Act in the calculation of tax payable under the Federal Act,”.

5.—(1) Subclause 10 (4) (a) (ii) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.

(2) Clause 10 (4) (b) of the said Act is amended by striking out “four” in the first line and inserting in lieu thereof “three”.

(3) Section 10 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 4 and 1985, chapter 12, section 4, is further amended by adding thereto the following subsection:

Idem

(4a) Notwithstanding subsection (4), where the Provincial Minister is entitled to reassess, make an additional assessment or assess tax, interest or penalties by virtue only of the filing of a waiver under subclause (4) (a) (ii), no assessment, reassessment or additional assessment shall be made after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form under the Federal Act is filed.

(4) Subsection 10 (5) of the said Act is amended by striking out “four” in the fifth line and in the eighth line and inserting in lieu thereof in each instance “three”.

(5) Subsection 10 (6) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.

6. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6 and 1985, chapter 12, section 8, is further amended by adding thereto the following subsection:

Interest
not assessed

(2a) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) of this Act or under subsection 161 (2) of the Federal Act does not exceed \$25 for a taxation year, the Provincial Minister shall not assess such interest.

7.—(1) Subsection 19 (1) of the said Act is amended by,

- (a) striking out “four” in the second line and inserting in lieu thereof “three”;
- (b) striking out “upon” in the first line of clause (a) and inserting in lieu thereof “on or after”; and
- (c) striking out “four” in the third line of clause (b) and inserting in lieu thereof “three”.

(2) Subsection 19 (2) of the said Act is amended by,

- (a) inserting after “refund” in the first line “or repayment”; and
- (b) striking out “overpayment” in the fifth line and inserting in lieu thereof “refund or repayment”.

(3) Section 19 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 12, section 9, is further amended by adding thereto the following subsection:

(4a) Where the Supreme Court of Ontario or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest or a penalty under this Act by a taxpayer resident in Canada, Idem

- (a) referred an assessment back to the Provincial Minister for reconsideration and reassessment;
- (b) varied or vacated an assessment; or
- (c) ordered the Provincial Minister to repay tax, interest or penalties,

the Provincial Minister shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,

- (d) where the assessment has been referred back to the Provincial Minister, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer;
- (e) refund any overpayment resulting from the variation, vacating or reassessment; and
- (f) where clause (c) is applicable, repay any tax, interest or penalties as ordered,

and the Provincial Minister may repay any tax, interest or penalties or surrender any security accepted therefor by the Provincial Minister to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, the Provincial Minister is satisfied that it would be just and equitable to do so, but for greater certainty, the Provincial Minister may, in accordance with the provisions of this Act, the *Courts of Justice Act*, 1984 or the *Supreme Court Act* (Canada), as they relate to appeals from decisions of the Supreme Court of Ontario, appeal from the decision of the Court notwithstanding

ing any variation or vacating of any assessment by the Court or any reassessment made by the Provincial Minister under clause (d), and any such appeal from a decision of the Supreme Court of Ontario shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.

8. Subsection 20 (5) of the said Act is amended by striking out “four” in the third line and inserting in lieu thereof “three”.

9. Clause 21 (1) (b) of the said Act is amended by striking out “180” in the first line and inserting in lieu thereof “ninety”.

10. Subsection 27 (3) of the said Act is repealed and the following substituted therefor:

Security
for taxes

(3) The Provincial Minister may, if he or she considers it advisable in a particular case, accept security in any form the Provincial Minister considers appropriate for payment of any amount that is or may become payable under this Act.

Surrender
of security

(3a) Where at any time a taxpayer requests in writing that the Provincial Minister surrender any security accepted under subsection (3), the Provincial Minister shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.

11. Subsection 36 (6) of the said Act is amended by striking out “thereon” in the eleventh line and inserting in lieu thereof “on the amount that should have been deducted or withheld”.

Commence-
ment and
application

12.—(1) This Act, except sections 1 to 11, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1986.

Idem

(3) Sections 2 and 6 shall be deemed to have come into force on the 1st day of January, 1984, and apply with respect to the 1984 and subsequent taxation years.

Idem

(4) Sections 3 and 4, subsections 5 (1), (2), (4) and (5) and section 8 shall be deemed to have come into force on the 1st day of January, 1983, and apply with respect to the 1983 and subsequent taxation years.

(5) Subsection 5 (3) shall be deemed to have come into force Idem
on the 16th day of February, 1984, and applies after the 15th
day of February, 1984, except that in the application of subsec-
tion 10 (4a) of the said Act to a waiver filed before the 16th day
of February, 1984, that is revoked by a notice of revocation
filed before 1986, the reference therein to "six months" shall
be read as a reference to "one year".

(6) Subsection 7 (1) shall be deemed to have come into force Idem
on the 1st day of January, 1983, and applies with respect to
refunds for the 1983 and subsequent taxation years.

(7) Subsections 7 (2) and (3) and sections 10 and 11 shall be Idem
deemed to have come into force on the 16th day of February,
1984.

(8) Section 9 comes into force on the day after the day this Idem
Act receives Royal Assent, and applies to notices of objection
served after the day this Act receives Royal Assent.

13. The short title of this Act is the *Income Tax Amendment* Short title
Act, 1986.

Bill 28

*(Chapter 40
Statutes of Ontario, 1986)*

An Act to amend the Income Tax Act

The Hon. R. Nixon
Minister of Revenue



<i>1st Reading</i>	May 13th, 1986
<i>2nd Reading</i>	October 27th, 1986
<i>3rd Reading</i>	November 4th, 1986
<i>Royal Assent</i>	November 4th, 1986

Bill 28

1986

An Act to amend the Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2b of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1985, chapter 12, section 1, is repealed and the following substituted therefor:

2b. Every individual shall, in addition to the amount of tax otherwise payable by such taxpayer under this Act, pay an additional income tax in respect of the 1986 and subsequent taxation years equal to 3 per cent of the amount, if any, by which the tax that would, but for section 120.1 of the Federal Act, be otherwise payable for the taxation year under this Act, before any deduction authorized under subsection 3 (8) or section 7, exceeds \$5,000. Surcharge

2. Subclause 3 (8) (b) (ii) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 2, is further amended by striking out “paragraph 110 (1) (f) or” in the amendment of 1984 and inserting in lieu thereof “paragraph 110 (1) (d) or (f) or”.

3. Subsection 7 (13) of the said Act is amended by striking out “four” in the eighteenth line and inserting in lieu thereof “three”.

4. Subsection 8 (1) of the said Act is amended by inserting after “Act” in the second line “or would be payable but for the application of section 127.3 of the Federal Act in the calculation of tax payable under the Federal Act,”.

5.—(1) Subclause 10 (4) (a) (ii) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.

(2) Clause 10 (4) (b) of the said Act is amended by striking out “four” in the first line and inserting in lieu thereof “three”.

(3) Section 10 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 4 and 1985, chapter 12, section 4, is further amended by adding thereto the following subsection:

Idem

(4a) Notwithstanding subsection (4), where the Provincial Minister is entitled to reassess, make an additional assessment or assess tax, interest or penalties by virtue only of the filing of a waiver under subclause (4) (a) (ii), no assessment, reassessment or additional assessment shall be made after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form under the Federal Act is filed.

(4) Subsection 10 (5) of the said Act is amended by striking out “four” in the fifth line and in the eighth line and inserting in lieu thereof in each instance “three”.

(5) Subsection 10 (6) of the said Act is amended by striking out “four” in the second line and inserting in lieu thereof “three”.

6. Section 16 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 50, section 6 and 1985, chapter 12, section 8, is further amended by adding thereto the following subsection:

Interest
not assessed

(2a) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) of this Act or under subsection 161 (2) of the Federal Act does not exceed \$25 for a taxation year, the Provincial Minister shall not assess such interest.

7.—(1) Subsection 19 (1) of the said Act is amended by,

- (a) striking out “four” in the second line and inserting in lieu thereof “three”;
- (b) striking out “upon” in the first line of clause (a) and inserting in lieu thereof “on or after”; and
- (c) striking out “four” in the third line of clause (b) and inserting in lieu thereof “three”.

(2) Subsection 19 (2) of the said Act is amended by,

- (a) inserting after "refund" in the first line "or repayment"; and
- (b) striking out "overpayment" in the fifth line and inserting in lieu thereof "refund or repayment".

(3) Section 19 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 12, section 9, is further amended by adding thereto the following subsection:

(4a) Where the Supreme Court of Ontario or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest or a penalty under this Act by a taxpayer resident in Canada, Idem

- (a) referred an assessment back to the Provincial Minister for reconsideration and reassessment;
- (b) varied or vacated an assessment; or
- (c) ordered the Provincial Minister to repay tax, interest or penalties,

the Provincial Minister shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,

- (d) where the assessment has been referred back to the Provincial Minister, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer;
- (e) refund any overpayment resulting from the variation, vacating or reassessment; and
- (f) where clause (c) is applicable, repay any tax, interest or penalties as ordered,

and the Provincial Minister may repay any tax, interest or penalties or surrender any security accepted therefor by the Provincial Minister to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, the Provincial Minister is satisfied that it would be just and equitable to do so, but for greater certainty, the Provincial Minister may, in accordance with the provisions of this Act, the *Courts of Justice Act, 1984* or the *Supreme Court Act (Canada)*, as they relate to appeals from decisions of the Supreme Court of Ontario, appeal from the decision of the Court notwithstand-

ing any variation or vacating of any assessment by the Court or any reassessment made by the Provincial Minister under clause (d), and any such appeal from a decision of the Supreme Court of Ontario shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.

8. Subsection 20 (5) of the said Act is amended by striking out “four” in the third line and inserting in lieu thereof “three”.

9. Clause 21 (1) (b) of the said Act is amended by striking out “180” in the first line and inserting in lieu thereof “ninety”.

10. Subsection 27 (3) of the said Act is repealed and the following substituted therefor:

Security
for taxes

(3) The Provincial Minister may, if he or she considers it advisable in a particular case, accept security in any form the Provincial Minister considers appropriate for payment of any amount that is or may become payable under this Act.

Surrender
of security

(3a) Where at any time a taxpayer requests in writing that the Provincial Minister surrender any security accepted under subsection (3), the Provincial Minister shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.

11. Subsection 36 (6) of the said Act is amended by striking out “thereon” in the eleventh line and inserting in lieu thereof “on the amount that should have been deducted or withheld”.

Commence-
ment and
application

12.—(1) This Act, except sections 1 to 11, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1986.

Idem

(3) Sections 2 and 6 shall be deemed to have come into force on the 1st day of January, 1984, and apply with respect to the 1984 and subsequent taxation years.

Idem

(4) Sections 3 and 4, subsections 5 (1), (2), (4) and (5) and section 8 shall be deemed to have come into force on the 1st day of January, 1983, and apply with respect to the 1983 and subsequent taxation years.

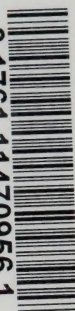
(5) Subsection 5 (3) shall be deemed to have come into force Idem
on the 16th day of February, 1984, and applies after the 15th
day of February, 1984, except that in the application of subsec-
tion 10 (4a) of the said Act to a waiver filed before the 16th day
of February, 1984, that is revoked by a notice of revocation
filed before 1986, the reference therein to “six months” shall
be read as a reference to “one year”.

(6) Subsection 7 (1) shall be deemed to have come into force Idem
on the 1st day of January, 1983, and applies with respect to
refunds for the 1983 and subsequent taxation years.

(7) Subsections 7 (2) and (3) and sections 10 and 11 shall be Idem
deemed to have come into force on the 16th day of February,
1984.

(8) Section 9 comes into force on the day after the day this Idem
Act receives Royal Assent, and applies to notices of objection
served after the day this Act receives Royal Assent.

13. The short title of this Act is the *Income Tax Amendment* Short title
Act, 1986.



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